

Also, petition of Boiler Makers of the Minneapolis & St. Louis and Chicago, Milwaukee & St. Paul Railroad Co., Flour City Lodge No. 11 of Minneapolis, Minn., protesting against the action taken by Senator KELLOGG in regard to Government ownership of railroads and favoring Mr. McAdoo's five-year Government control; to the Committee on Interstate and Foreign Commerce.

Also, petition of Mr. William Chisholm, of Minneapolis, Minn., requesting the continuance of Government control and favoring Government ownership of railroads; to the Committee on Interstate and Foreign Commerce.

Also, petition of Minnehaha Lodge, No. 827, J. F. Fritz, recording secretary; A. M. Hansan, financial secretary, of Minneapolis, Minn., protesting against the order of Hon. William McAdoo forbidding railroad employees aspiring to public office; to the Committee on Interstate and Foreign Commerce.

Also, petition of Custom Tailors' Union, Local No. 89, of Minneapolis, Minn., requesting modification of proposed luxury tax on clothing; to the Committee on Ways and Means.

Also, petition of theater owners of Minnesota, by John C. Sweet, attorney, protesting against increase of 10 per cent amusement tax; to the Committee on Ways and Means.

Also, petition of League of Minnesota Municipalities, protesting against the proposed direct and indirect tax on municipal bonds; to the Committee on Ways and Means.

Also, petition of carmen of the Chicago, Milwaukee & St. Paul Railroad at Minneapolis, consisting of 1,000 members, protesting unanimously against private ownership of railways, and asking Government ownership of all railroads for the good of the public service; to the Committee on Interstate and Foreign Commerce.

By Mr. NOLAN: Resolution by the San Francisco Labor Council, favoring public ownership of telegraph and telephone systems of the United States; to the Committee on the Post Office and Post Roads.

Also, resolution by the San Francisco Labor Council, favoring Government ownership of railroads; to the Committee on Interstate and Foreign Commerce.

By Mr. OSBORNE: Memorial of Hon. Lean F. Moss, of Los Angeles, Cal., to the Members of the Congress of the United States in the matter of Government owned, controlled, and maintained paved highways; to the Committee on Roads.

By Mr. RAKER: Resolution by Albany (Oreg.) Commercial Club, indorsing the Poindexter-Raker military highway bill; to the Committee on Roads.

Also, petition of Central Labor Council of Vallejo, Cal., expressing disapproval of the admission of Chinese and Mexican laborers into California; to the Committee on Labor.

Also, resolutions by the Vallejo (Cal.) Trades and Labor Council, protesting against the return to private ownership of the railway systems of the United States; to the Committee on Interstate and Foreign Commerce.

Also, resolution by the city teachers of Sacramento, Cal., indorsing Senate bill 4987; to the Committee on Education.

By Mr. RANDALL: Petition of Central Labor Council of Los Angeles, Cal., favoring five years' extension of Government operation of the railroads; to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Friday Morning Club, of Los Angeles, Cal., favoring the McKellar-Keating civil-service bill and opposing the Pomerene amendment thereto; to the Committee on Reform in the Civil Service.

By Mr. TINKHAM: Resolutions by the County Galway Men's Benevolent Association of Greater Boston, relating to self-determination for Ireland; to the Committee on Foreign Affairs.

By Mr. VARE: Resolutions of the Philadelphia Chamber of Commerce, urging legislation to validate oral war contracts; to the Committee on Military Affairs.

Also, resolutions by Wanamaker & Brown, Philadelphia, relating to legalization of War Department contracts given verbally by officials of that department; to the Committee on Military Affairs.

Also, resolutions relating to the development and operation of the American merchant marine, adopted by the Philadelphia Maritime Exchange; to the Committee on the Merchant Marine and Fisheries.

By Mr. WARD: Petition of Rev. M. Freinberg and citizens of Hudson, N. Y., praying for international guaranties against any repetition of anti-Semitic outrages, and that Jews be given the rights of life, liberty, and pursuit of happiness; to the Committee on Foreign Affairs.

SENATE.

FRIDAY, January 3, 1919.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we seek the light of Thy divine truth upon the problems that confront us this day. We have found from all our experiences that human wisdom is not sufficient for human life. Thou hast given to Thy children the revelation of Thyself. We pray that Thou, who didst command the light to shine out of the darkness, wilt manifest forth Thyself upon the path of human progress and lead us to accomplish the divine will. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

EMPLOYEES IN THE DEPARTMENT OF JUSTICE (S. DOC. NO. 319).

The VICE PRESIDENT laid before the Senate a communication from the Attorney General, transmitting, in response to a resolution of December 23, 1918, a list showing the number of civil employees in the department January 1, 1919, and the number discharged during the previous two weeks, which was ordered to lie on the table and be printed.

COST OF THE WAR (S. DOC. NO. 320).

The VICE PRESIDENT laid before the Senate a communication from the Attorney General, transmitting, in response to a resolution of December 23, 1918, certain information relative to the cost of the war, which was ordered to lie on the table and be printed.

MAINTENANCE OF ROADS (S. DOC. NO. 321).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, the annual report of expenditures for the fiscal year 1918, out of the funds appropriated for the survey, construction, and maintenance of roads and trails within or only partly within the national forests, which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

CABLE SERVICE.

Mr. SHERMAN. Mr. President, I desire to have printed in the RECORD, but not read, certain reports showing the cablegrams from abroad used by the news service, and I ask unanimous consent for about from three to five minutes' time to address the Senate.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. SHERMAN. Mr. President, I have those cablegrams, and will send them to the Secretary's desk. I have indicated by pencil the limited parts of them which I desire to have printed in the RECORD.

The VICE PRESIDENT. In the absence of objection, permission to do so will be granted. The Chair hears none.

The matter referred to is as follows:

[From the Washington Times.]

PRESIDENT TO STOP AT QUIRINAL PALACE.

ROME, December 2, 1918.

President Wilson will reside in the Quirinal Palace on his visit here, occupying the royal reception suite, it was announced to-day.

[From the Washington Times.]

MRS. WILSON WILL GET PARIS GOWNS.

NEW YORK, December 1, 1918.

Without departing from her "made in America" principles, Mrs. Woodrow Wilson is to have several new Paris gowns, it became known here to-day.

A Fifth Avenue dressmaker sailed for France on the steamer *Rochambeau*, taking with him trunks containing materials from which Mrs. Wilson's gown will be made.

[From the Washington Times.]

BIG PALACE OF PRINCE MURAT IS MADE READY FOR PRESIDENT—A CLOSET FOR 50 SUITS OF CLOTHES—BATHROOM 30 FEET SQUARE—DINING TABLE TO SEAT 35 PEOPLE—DINNER SERVICE OF PURE GOLD—TELEPHONES IN EVERY ROOM—FRENCH TROOPS TO STAND GUARD.

(By Henry G. Wales, I. N. S. staff correspondent.)

PARIS, December 12.

Final details of making the residence of Prince Murat ready for the occupancy of President and Mrs. Wilson were completed to-day. Telephones have been installed throughout the mansions, even in the dressing rooms and bathrooms, and the electric lighting system has been improved.

President and Mrs. Wilson will dine at an inlaid mahogany table large enough to accommodate 35 guests. The princess left behind the celebrated gold dinner service for the use of the presidential party.

A beautiful gondola-shaped bed was set aside for the President. Mrs. Wilson will sleep in a canopied bed of pink brocade with pink tapestries. Mrs. Wilson will have the services of Georgette, the personal maid to Princess Murat.

CAPACIOUS CLOSETS.

The dressing rooms in the President's suite have closets big enough to hold 50 suits of clothes and 100 pairs of shoes, not to mention the space for hats.

The commodious closets in Mrs. Wilson's dressing quarters will accommodate 100 gowns, 200 pairs of shoes and slippers, 50 parasols, 50 fans, and other accessories of the feminine toilet.

The carpets on the floors are nearly an inch thick. Especial care was taken with the lighting system. The lights do not shine direct from the bulbs, but are shaded with globes of soft tones.

In the parlors are great candelabras with myriads of crystals dangling from them.

LARGE BATHROOMS.

The bathrooms are 30 feet square, containing movable tubs.

There are more than 3,000 glasses in the pantries with which to serve upward of 60 different kinds of beverages.

Cooks and waiters for the presidential party were provided by the French ministry of foreign affairs.

The grounds around the mansion—a couple of acres in extent—will be heavily guarded by French troops. An electric lighting system has been established so that the guards can signal to each other. Sentries will patrol the vast lawns all the time.

All the wonderful paintings and priceless tapestries which were removed during the bombardment of Paris have now been restored. When the first lady of the land becomes the temporary chatelaine she will be surrounded by magnificent surroundings of the days of the Louis—with the added attractions of open plumbing.

PRIVATE APARTMENTS.

The private apartments of President and Mrs. Wilson are on the second floor. They are reached by an impressive white marble staircase from a white marble entrance hall. The walls along the stairway are of varicolored marble, except the top landing, which is a vast sheet of mirror.

Opening off the central hall comes, first, a small private study. It contains a charming inlaid desk, where the President may continue his work facing a wonderful painting of Cupid and Psyche, almost filling the entire wall above the bookcases.

Next comes a large library, decorated in crimson damask. In it are many paintings and busts of Napoleon.

Adjoining the library is the President's sleeping apartment, which is also filled with innumerable relics, engravings, and paintings of the famous Emperor. The most striking feature of this room is a wonderful empire bed. All the furniture consists of exquisite examples of the empire period, though the charm necessarily is broken by the anachronism of a typical American desk telephone on the empire stand near the bed.

Scarcely perceptible panels in the walls of sage-green brocade at both ends of the bed lead with the old alluring secrecy and charm characteristic of all well-regulated French palaces into Mrs. Wilson's apartments where Mme. La Presidente will make herself at home in the midst of soft, French gray walls, gray satin hangings, brocaded cupids, and garlands of golden hue.

GOLD AND GRAY.

The colorings throughout are of gold and gray. The bed with its graceful gilt canopy, draped with gray and yellow brocade, has a panel of fairylite fllet lace as a background to the canopy at the head.

Easy chairs and a chaise longue of brocade invite relaxation from social strain. A perfectly appointed writing table stands between two long windows which overlook the rear of the beautiful park that surrounds the house to the extent of a city block. This is in the heart of Paris.

Off the presidential bedchambers are large dressing rooms and bathrooms. The President's is done in ivory, his wife's in French gray. These, happily, are all in the 1918 period of comfort, luxuriousness, and sanitation.

There are unique collections of porcelains, ivory, prints, and paintings in the charming boudoir.

Small family salons and a dining room are on the same floor. The general color scheme is crimson. The walls are of brocade and the carpets are velvet.

On the ground floor the formal apartments are ornate with crystal chandeliers, mirrors, tapestries, and paintings, among which are many Greuze heads. The ballroom, grand salon, huge state dining room, and kitchens are all of regal proportions.

The third floor is reserved for other members of the family suite. Besides bedchambers, it contains offices and various workrooms.

[From the Washington Post, Dec. 2, 1918.]

ALLIES REGRET WILSON COMES TO PARIS AS A DELEGATE.

It is impossible to deny that the unfavorable impression created by the action of the President in appointing himself to be one of the actual delegates of the United States to the peace conference at Versailles which has been created among his fellow countrymen, even among those who have been his warm admirers, is generally shared abroad, especially among those foreign friends of the United States who have shown the greatest enthusiasm about his visit to Europe.

That he should come to Europe as the President of the United States and as the Chief Magistrate of the American Nation; that he should accord to the people of France and of Great Britain the opportunity of paying signal honor to the people of the United States in the person of their elected ruler; that he should be enabled to see with his own eyes the scenes of hideous German devastation and outrage in France and in Belgium; that President Poincaré, King George, King Albert, and King Victor Emmanuel, as well as their premiers and foreign ministers, should have the advantage of meeting him in person and of discussing all pending issues privately with him was one thing. But that he should attend the conference at Versailles as one of the mere delegates seems to them to be a derogation of the dignity and of the prestige of his lofty office.

EMBARRASSING TO ALLIES.

None of the three Kings just enumerated nor yet the President of the French Republic will be seated at the council table of the conference at Versailles, although they are to be in Paris throughout the duration of the congress. They will be represented at its board by their premiers, by their foreign ministers, and by their plenipotentiaries, and will not, therefore, be exposed to contradictions and even recriminations at the sessions of the congress, which could only prove injurious to their prestige and to the respect due to their illustrious office.

For President Wilson to insist upon a seat at the council table as a self-appointed delegate of the United States is extremely embarrassing to the Governments of France and Great Britain, whose one thought has been to accord to him sovereign honors, and in that way to honor the Nation which he represents and of which he is the chief. They

foresee all sorts of contretemps, not the least among them the one that if he attempts to impose upon the congress at those of its sessions at which he is present some of the ideas and views upon which he is known to have set his head he is certain to meet with opposition so strenuous that sight may be lost of the fact that he is the President of the United States instead of its mere delegate to the congress.

FEAR DISPUTE MAY MAR VISIT.

Even the President's closest friends and adherents admit that he does not relish opposition to his projects and that he does not brook easily contradiction; is, in fact, disposed to resent it. It is therefore feared that all the efforts on the part of the entente governments and nations to render his visit a success and to overwhelm him with enthusiasm, with hospitality, and with honors will be frustrated by the acute differences which are likely to develop at the council table of the congress.

There is yet another matter. In all former international congresses of this kind the presiding officer has been the premier of the country in which the conference took place. Prince Bismarck was the president of the international congresses of Berlin in 1878 and 1884. Prince Clement Metternich was the president of the congress of Vienna in 1814-15. Premier Beernaert was the president of the international congress of Brussels, and at the international congress of Algeiras some 10 years ago, where former Ambassador Henry White represented the United States, the chair was taken by the then prime minister of Spain.

WILL HE YIELD CHAIRMANSHIP?

According to all precedent, therefore, the presidency of the peace conference at Versailles belongs to old Premier Clemenceau, since it is France on whose soil the congress is taking place and who is playing the rôle of hostess to the other nations of the entente in the matter. But how can Woodrow Wilson, who, in addition to being the principal delegate of the American Nation, is also the President of the United States, be content to yield the "pas" to accord the first place, and to submit to the rulings of one who is not, like himself, the ruler of a great nation, but only its prime minister?

[From the Washington Post, Dec. 14, 1918.]

EUROPE WILL EXPECT WILSON TO BE FREE WITH GRATUITIES.

President Wilson while abroad will be required to spend a considerable sum of money in gratuities.

In the first place, he will be expected to leave with the president of the municipal council of Paris, with the lord mayor or with the chairman of the county council of London, with Prince Colonna, the mayor of Rome, and, if he goes to Belgium, with the heroic Mayor Max, of Brussels, sums amounting to at least \$10,000 each for the poor of their respective capitals.

The tips to the servants and to the people of that class at the Elysee Palace and at the Maison Murat in Paris, at Buckingham Palace in London, and at the Quirinal in Rome will also total up a pretty large sum.

The custom of the various Presidents of the French Republic when paying state visits to foreign rulers and of monarchs when returning these visits has been to entrust a lump sum to one of the principal dignitaries of the palace for the purpose. The sums vary, according to the importance and means of the ruler, and whereas Emperors of Russia have given as much as \$20,000 and even \$30,000 for a few days' stay, other monarchs have been content to donate \$10,000 for the purpose.

If my memory serves me aright, President Poincaré left with Gen. Count Frederic, the minister of the imperial household at Petrograd, a sum of \$20,000 for distribution among the domestic servants on the occasion of his last visit to the court of Czar Nicholas II in the summer of 1914.

PRESENTS FOR DIGNITARIES.

Nor is this all. There are the dignitaries of the court in London and Rome and the officials of President Poincaré's household and the Government officers more especially concerned with the visit of the Chief Magistrate of the United States to be remembered. These, in the case of the interchange of visits between European rulers, are usually satisfied by means of orders and decorations, of which there is always a great distribution on such occasions. But since President Wilson has nothing of the kind at his disposal for such purposes, he will be expected to give gold and silver cigar boxes, cigar cases, cigarette cases, pieces of jewelry in the shape of scarfpins, etc., and handsomely framed and autographed portraits of himself.

Until the last decade of her reign Queen Victoria would not permit the officials of her court to accept any foreign orders of knighthood, and the result was that continental rulers entertained by her at Buckingham Palace, Windsor, or Osborne were restricted to distributing gifts of jewelry among the court dignitaries or else pieces of statuary. The former were more highly prized, since they could be converted into cash.

KAISER GAVE BUSTS OF SELF.

The former Kaiser was wont when he went off on state visits to fellow monarchs to carry along with him huge cases of marble busts of himself, varying in size. He would distribute as many as two or three dozen of them on any one occasion of this kind, and to-day they must be a drug in the market by reason of their quality, their lack of artistic merit, and the execration in which the personage whose features they portray is everywhere held.

The United States is regarded abroad as the richest country in the world. Every American is supposed to be rolling in wealth, and assuredly the loans to the various foreign governments and the amounts subscribed on this side of the Atlantic to the many funds for the relief of suffering in Europe in connection with the war have gone far to strengthen this impression. Much will therefore be expected of President Wilson in what are, after all, nothing more nor less than tips.

[From the Washington Post, Jan. 1, 1919.]

70,000 YANKS AT BREST LIVE IN MUD SWAMPS WHILE AWAITING SHIPS—INADEQUATELY SHELTERED AND INSUFFICIENTLY NOURISHED—DISGRACE TO AMERICA—"PONTANEZEN," PLACE OF CONCENTRATION, IS CALLED A CRIME—MEN NEAR TO REBELLION—THEY PLEAD FOR REDRESS—CAMP A SEA OF MUD THIGH HIGH—RATIONS FROM GARBAGE CANS AND COFFEE FROM ASH RECEPTACLES—FOOD IMPOSSIBLE AND YET NOT ENOUGH TO GO AROUND—RESPONSIBILITY NOT WITH A. E. F., BUT MAY BE TRACED TO WASHINGTON—NOT VISITED BY PRESIDENT WILSON.

George Rothwell Brown, of the Washington Post staff, arrived in the United States on the *Mauretania* last Monday, after four months spent on the battle fronts and in the capitals of the allied nations. He has obtained, at first hand, a vast fund of information concerning the war,

which will be given to readers of the Post in a series of articles, the first of which, dealing with the condition of American soldiers in Camp Pontanezen, at Brest, appears below:

"WORST PLACE ON EARTH," GEN. BUTLER CALLS CAMP AT BREST HE COMMANDS.

An officer: "You ought to go out to Pontanezen—it's a crime."
A surgeon says: "Anything may break out in this camp; anything."
Brig. Gen. Butler, United States Marine Corps, commander of the camp: "It's the worst place I have ever seen anywhere on earth, and I have traveled all over the world."

(By George Rothwell Brown.)

Seventy thousand American soldiers are awaiting transportation home at Brest under living conditions of such intolerable wretchedness and misery that one marvels at the patience and discipline that keep them from breaking into open rebellion.

Insufficiently nourished and inadequately sheltered from the elements of a Breton winter, they are enduring with dumb fortitude a state of affairs that is a disgrace to the Government. Seventy thousand helpless sons of the Republic which they went across the seas to save are mutely pleading for redress of the great wrongs to which they are being subjected and under which they and their officers, who are suffering with them, are helpless in the face of a system that has broken down.

PERFORM HEAVY MANUAL LABOR.

Seventy thousand men, many of them concentrated near the seaport at this place, fresh from the battle fields, and the great majority of them the undeveloped youth of the Nation, are obliged to perform heavy manual labor beyond their strength at a time when a grateful people should be extending to them not merely cheers and laudations but the more substantial rewards of valor, comfort, and rest, and recreation.

The concentration camp where these splendid American boys are kept like wild beasts is 3 miles from Brest, over one of the bleakest roads in Brittany. It covers an area of about 1 square mile—between 600 and 700 acres of swamp. Some of the men are living in rude barracks buildings of wood, but by far the greater part are under canvas. Most of the tents are old and thin and poor in quality and leak continually under the pouring rain which falls steadily in Brittany at this season of the year. Out of 120 of the tents which I visited, less than 30 had board floors, and in those that did the boards were right on the ground and water soaked.

NOT A DRY SPOT IN CAMP.

None of these tents is ditched, and the splendid men whose exploits the people at home are complacently applauding are obliged to put their bedding rolls down in the mire on the bare ground that is continually flooded. There is not a dry spot in this camp—not one.

I have seen mud in the front-line trenches and thought I knew what mud was, but I realized that I had never known what mud was until I visited this miserable place of suffering. The mud in many parts of this camp is not merely knee high, it is thigh high. Every company street is a river of mud, which flows over into the tents, covering the men and the rude bed rolls in which they sleep with greasy black slime. The officers wear rubber boots that reach to the hips, and so do all the men who can obtain them.

TASK TOO HARD FOR MEN.

Walking through the company streets of the camp is in itself an arduous labor, for one becomes continually mired, and has to exert all his strength to pull a foot out of the ooze and set it down in another place. There are practically no "duckboards" in the camp, owing to the scarcity of lumber, and where there are "duckboards" they are out of sight, for the resistless mud has overflowed and covered them.

In an effort to bring some order out of the existing chaos the soldiers have been put to work like common laborers. It is a heart-breaking sight to see them struggling under tasks too hard for them to perform, carrying heavy timbers on their backs, patiently, as yet, but with the fires of a consuming wrath smoldering in their breasts, which burn with indignation and resentment.

RATIONS FROM GARBAGE CANS.

The men are fed in a number of rough cook sheds, marching in single file, each man carrying his own mess kit, into which the cooks ladle out portions of the rations from large zinc garbage cans. Each man carries his mess kit with him all the time, and must keep it clean himself. The floors of the cook sheds are slippery with mud that flows in from the outside and is tracked in by countless feet. There are enlightened States in this Union whose sanitary laws compel farmers to keep their hogs better than the United States Government is keeping its patriotic soldiers here.

With grim humor the Army calls this place a "rest camp." God save the mark! Its name is "Camp Pontanezen." That is a name that is going to be heard frequently in the future, for these men now suffering there are coming home some day, and mighty will be their wrath and loud their cry for justice upon the heads of those incompetents who are responsible for what they have endured.

RESPONSIBILITY NOT ON A. E. F.

I do not know who is to blame, but I think that the responsibility should not fairly be placed upon the "A. E. F." Some day I expect to see it traced straight back to Washington.

These 70,000 men—there will soon be 100,000 unless the thing is stopped—are the victims of incompetency and blunders. They were concentrated at Brest before any adequate plan for their reception had been worked out. There are German prison camps in France, that I have inspected, that are models of sanitation and cleanliness. There isn't a German prisoner in France who has been subjected to the conditions our own sons and brothers are here forced to endure.

To make this camp habitable 16,000,000 feet of lumber are needed immediately. It is not there. Nobody knows whether it ever will be there. Down at St. Nazaire are 6,000,000 feet, but though heaven and earth have been moved, the lumber hasn't.

HEALTH OF CAMP GOOD.

The health of the camp at present is good, for the men have come there from the front, or from other camps, where they have been toughened and hardened by a fine outdoor life. I spoke to one of the surgeons about this. He shook his head.

"The health of the men is good now," he said, "but I dread to think what may happen within a month."

"Do you mean an epidemic?" I asked.

"Anything may break out in this camp," he replied; "anything."

As I was going into this camp I stopped an officer. "What do you call this place?" I asked him.

CALLS THE PLACE A CRIME.

"I call it a crime," he answered, and passed on down the road. An officer said to me at luncheon at the little Café Marine in Brest: "You ought to go out to Pontanezen, it's a crime."

A soldier on the boat in which I crossed stopped me on deck and ask me if I had been to Pontanezen. I told him I had. "Isn't it a crime?" he asked, and I agreed with him. That is precisely what it is—a crime—and the men responsible for it should be dismissed from the service of the Government. If I had a brother who was responsible for Pontanezen I would disown him.

I spent a day at this place and am writing from first-hand information. Nobody told me—I saw. I ate there—or tried to. With two officers I took a mess kit and stood in line and marched through the slimy kitchen and obtained my portion of the "chow."

FED AS CATTLE MIGHT BE.

I received in my plate a piece of corned beef a little larger than my fist, some rice, some thick gravy, and a spoonful of boiled cabbage. As we passed out in a constantly moving line, the men being fed as cattle might be, I seized a piece of bread—white bread of good quality, but dry and without butter. Outside, in the open air, under the pouring rain, in a narrow alley between two kitchens, I stood knee-deep in the mud while my cup was filled with coffee from a large zinc ash can.

Provided then with food, the officers and I passed into the officers' mess room, a long room lined with rows of rough board tables. The soldiers eat their meals outdoors in the rain, standing up. We sat down on benches and began to eat. There was no table cloth on the table, no butter, no salt, nothing but the bare boards.

COULD NOT EAT THE MEAT.

I found that of my piece of corned beef a piece about the size of three fingers was fit to eat. The balance was unpalatable fat. I could not eat it, and I was hungry, too, for I had gone without my breakfast to visit this camp. Neither could the officers eat their meat. They said that the cabbage was an innovation, a real treat, the first green vegetable of any kind that had been served for a week. We tried the cabbage and found it almost raw, but managed to eat most of it.

The rice was only half cooked, and we passed it up. I then tried the coffee and found it so nauseating that I could not drink it. Now, I have frequently eaten soldiers' rations at the front, where our men have been well fed. I can eat rough fare and enjoy it. But I could not eat the stuff they serve the men at Pontanezen and that they call "food."

NOT ENOUGH FOOD AT THAT.

After dinner, which was served in the middle of the day, each of us washed his own mess kit in a large can of water. By the time 50 men had washed their greasy pans in that can of water—well, they had to wash them there, that's all!

Not only is the food at Pontanezen poor in quality and badly cooked, but frequently there is not enough of it. One night, just before I left Brest, there was a sizable revolt at camp for this reason. The commanding officer was summoned, heard the complaints of the men, and ordered the cooks to prepare another meal—the evening meal—to be ready at 8.30 o'clock. This the hungry men ate in the rain, in the dark.

NOT VISITED BY WILSON.

Now, in order to have a chance to file past the cooks and receive their portion of this mess of food three times a day, the men, these same boys of ours who have been fighting our battles for us 3,000 miles away from home, and their officers, who are sticking by them, are obliged to stand knee-deep in mud, in the pouring rain that falls every day, for an hour or two hours and a half. No wonder they call it a crime.

There was never any plan for this concentration camp. They did not tackle the job in time. President Wilson did not visit this camp, and, so far as I know, did not learn of the plight our men are in. He was too busy with receptions when he was in Brest.

YANK'S BEST CHRISTMAS.

After four months in France, my second visit there this year, I sailed from Brest on the *Mauretania* on Christmas eve. The next morning on deck I sat down beside a wounded soldier. With a grin he wished me a "Merry Christmas," and I felt ashamed of myself, for I had forgotten what day it was.

"I'll tell you," he said, "this big old boat that is taking me home is the best Christmas present I have ever had, and this is the happiest Christmas I have known in all my life."

I glanced down from the golden wound stripe on his arm and saw that his right leg had been amputated above the knee, but the joy of a supreme happiness was shining in his eyes which sparkled like the sea.

"MAURETANIA" A CHEERFUL BOAT.

This ship was full of wounded, the badly wounded, the armless and legless, and there were boys in the wards downstairs with limbs intact who will never walk again, for they had been shot through the spine. But the *Mauretania* was a most cheerful place. There was never a word of complaint from the wounded boys who hobbled about the decks on their crutches, and in the wards below I never heard a moan or a sigh. They were homeward bound! They gamely accepted their fate as patriots and philosophers.

That is the kind of manhood we have sent to France to fight for us and our liberties. Are boys like these entitled to something better than this cesspool at Pontanezen, that the Government calls a "rest camp"? I'll say they are. And are the American people, who have poured out their billions with such generous hearts, entitled to more than this for the treasure they so lavishly spent? I'll say they are.

"WORST PLACE ON EARTH."

This camp at Pontanezen is commanded now by Brig. Gen. Butler, United States Marine Corps, a fighting soldier who in previous wars won two congressional medals of honor. He should have been with the fighting marines on the front in this war, where doubtless he would have won more honors, but that is another story—a Marine Corps story. He is a splendid type of efficient soldier, who recently took command of the camp and is working night and day to try to solve the problem that confronts him. I said to him:

"General, this camp at Pontanezen is the worst place I have seen anywhere in France."

"Mr. Brown," he replied, snapping his jaws, "it's the worst place I have seen anywhere on earth, and I have traveled all over the world."

[From the New York Times, Dec. 28, 1918.]

GORGEOUS SCENE AT BANQUET—ALL ROYAL FORMALITIES OBSERVED AT KING'S DINNER TO WILSON—LAVISH DISPLAY OF PLATE—GOLD SERVICES WORTH \$15,000,000 ARE BROUGHT FROM PALACE VAULTS FOR OCCASION—WORLD PEACE A KEYNOTE—KING EXPRESSES HOPE OF AVERTING MORE WARS—PRESIDENT POINTS TO DUTY OF NATIONS.

LONDON, December 27.

No more regal setting had ever been arranged in Buckingham Palace than that which greeted President Wilson and Mrs. Wilson when they were escorted into the banquet hall to-night for the state dinner.

Every royal formality which has attended epochal occasions at the palace for two or three hundred years was carried out before and during the banquet. President Wilson with Queen Mary led the procession into the dining hall, preceded by officials of the palace, splendidly costumed, bearing wands and walking backward and make obeisance to the guests.

Immediately behind the President and the Queen came King George and Mrs. Wilson. They were followed by members of the royal family.

At the head of the table 12 persons were seated, with King George in the middle. President Wilson sat at the King's right and Mrs. Wilson at his left. To the right of President Wilson was Queen Mary, and then the French ambassador, Princess Christian, the Spanish ambassador, and Princess Patricia, daughter of the Duke of Connaught. At Mrs. Wilson's left sat Princess Mary, the Italian ambassador, Princess Beatrice, and the Japanese ambassador, in the order named. The American ambassador, John W. Davis, had the first place at a side rectangular table on President Wilson's right.

Prior to the dinner President and Mrs. Wilson were escorted from their apartments to the great white drawing room, where the royal family had gathered with their other guests. These guests were presented to President and Mrs. Wilson, and the dinner party immediately proceeded to the dining hall.

BANQUET HALL A SCENE OF SPLENDOR.

The scene as the guests proceeded to the hall was one of splendor. In the dining salon was a great collection of solid gold plate and huge gold ornaments valued at \$15,000,000. These had been brought from the vaults for the occasion. One of three buffets contained pieces of plate too large or otherwise too cumbersome for use. These included one piece of great size taken from the wreck of the Spanish Armada.

In color the gold-laden table blended with the decorations in the hall, which are white and gold, with crimson carpet and upholstery to match. The crimson effect was further carried out by the exclusive use of poinsettias as floral decorations. In the balcony at the end of the room was a military orchestra. It was not hidden from view by floral or other decorations. The attendants were in full state dress, which was heavy with gold lace.

The banquet hall, which is 200 feet long by 75 feet wide, was approached by the guests through a state hallway approximately a block long, richly furnished and decorated with paintings and porcelain. The banquet hall occasionally is used for banquets and other purposes and has a throne at one end.

The main table was arranged so that the backs of President Wilson and King George were toward the throne.

The permanent decorations seemed strikingly simple when compared with the regal table. The only art on the walls was one Cobelin tapestry. On each side six cut-glass chandeliers hung from the extremely high ceiling, but for the banquet to-night 128 candles in gold candelabra, each surmounted by a pink silk shade, were used. Other light was obtained from fancy wall fixtures.

HALBERDIERS IN ATTENDANCE.

The general body of the guests preceded the royal family and the presidential and ambassadorial guests into the banquet hall. They rose and remained standing while the main guests and the hosts entered in procession. Heading the procession was the lord chamberlain and the lord steward and other officials in state regalia. Yeomen of the guard in red Elizabethan costumes and with halberds were in attendance.

Queen Mary wore a cream-colored gown of silk with a long train and a tiara of diamonds and many other jewels. Mrs. Wilson's dress was black, with spangles, and was made at the White House. She wore very few jewels.

The military and naval officers were in service uniforms and wore their swords. The ambassadors were in full ambassadorial uniform. President Wilson and Ambassador Davis wore the usual formal American evening clothes. The British civilian guests wore court dress and the insignia of many orders.

In his address of welcome to the President and Mrs. Wilson, King George expressed the hope that some plan might be devised by which the risk of future wars might be averted.

The President in his reply said that he had consulted the spokesmen of the British Government and those of France and Italy and that he was glad to say that he had found them to be in accord with his views as to the duty of the nations.

Those at the banquet were:

King George.
Queen Mary.
President Wilson.
Mrs. Wilson.
Princess Mary.
Prince Henry.
Prince George.
Duke of Connaught.
Princess Christian.
Princess Beatrice.
Princess Patricia of Connaught.
Admiral Grayson.
Maj. Gen. Biddle.
Brig. Gen. Harts.
Lord Herschell.
Sir Charles Cust.
Paul Cambon, French ambassador.
Marquis Imperiali, Italian ambassador.
Marchioness Imperiali.
Alfonso Merry del Val, Spanish ambassador.
Viscount Chinda, Japanese ambassador.
Viscountess Chinda.
John W. Davis, American ambassador.
Mrs. Davis.
Vice Admiral Sims.
J. Butler Wright, counselor of the American Embassy.
Edward Bell, secretary American Embassy.

F. M. Gunther, secretary American Embassy.
R. E. Pennoyer, second secretary American Embassy.
E. C. Shoecraft, second secretary American Embassy.
David R. Francis, American ambassador to Russia.
H. B. Stevens, American Shipping Board.
Col. Endicott, American Red Cross.
Gordon Auchincloss.
Miss Benham, secretary to Mrs. Wilson.
Col. S. L. H. Sloum, military attaché of the American Embassy.
The Archbishop of Canterbury.
The Archbishop of York.
Lord Chancellor Finlay.
Premier Lloyd-George.
Earl Curzon.
The Marquis of Crewe.
The Earl of Reading, British ambassador to the United States.
The Earl of Crawford.
The Maharaja of Bikaner.
Viscount Milner.
Lord Haldane.
Viscount Bryce.
Field Marshal Viscount French.
Viscount Northcliffe.
Viscount Jellicoe.
Viscount Cave.
Lord Robert Cecil.
The Bishop of London.
Lord Rayleigh.
Lord Burnham.
Lord Harding.
Lord Weir.
Speaker Lowther.
A. J. Balfour.
Walter Hume Long.
H. H. Asquith.
Winston Spencer Churchill.
J. Austen Chamberlain.
Louis Botha, premier of the Union of South Africa.
Andrew Bonar Law.
Robert Borden, Premier of Canada.
George Nicoll Barnes, labor member of Parliament.
William Morris Hughes, premier of Australia.
Sir Joseph Paton MacLay, shipping controller.
Herbert A. L. Fisher, president of the board of education.
Lieut. Gen. Jan Christian Smuts.
Sir Eric Campbell Geddes, First Lord of the Admiralty.
Premier Lloyd of Newfoundland.
The Lord Mayor of London.
Sir Eric Drummond.
Field Marshal Sir Douglas Haig, commander in chief of the British Armies.

Vice Admiral Sir David Beatty, commander of the Grand Fleet.
Vice Admiral Sir Rosslyn Wemyss, First Sea Lord.
Gen. Sir William R. Robertson.
Gen. Sir Henry Wilson.
Gen. Sir Richard Turner.
Gen. John Monash.
Sir Satyendra Sinha.
Sir Joseph Thompson.
Gen. Geoffrey Fielding.
Gen. Frederick Sykes.
Sir William Wiseman.
Sir Maurice Hankey.
Prof. Gilbert Murray.
Montague James.
Dr. Norman Moore.
The Rev. J. H. Jowett.
John S. Sargent.
Rudyard Kipling.
J. A. Spender.
Sir Malcolm Murray.
Viscount Farrquhar, lord in waiting to the King.
Viscount Sandhurst, the lord chamberlain.
The Earl of Chesterfield, master of the house.
Lord Stanmore, lord in waiting.
Sir Frederick Ponsonby, keeper of the privy purse.
Lord Stamfordham, private secretary to the King.
Sir Derek Keppel, master of the household.
Sir Douglas Dawson, the controller.
Sir William Charles Fitzwilliam, the Crown equerry.
Sir Arthur Walsh, master of the ceremonies.
Sir Harry Verney.
Lieut. Col. Clyde Wigram.
Maj. Reginald Seymour.
Henry J. Stonor.
The Duchess of Sutherland.
The Dowager Countess of Airlie.
The Earl of Shaftesbury, lord chamberlain to the Queen.
Col. Frank Dugdale, the Queen's equerry.

[From the New York Times, Dec. 15, 1918.]

TWO MILLION CHEER WILSON—ENTHUSIASM FOR PRESIDENT THE EXPRESSION OF GRATITUDE TO AMERICA—ACCLAMATION IS HEARTFELT—INTENSITY OF POPULAR DEMONSTRATIONS SURPASSES EVEN THOSE OF "ARMISTICE NIGHT"—FLOWERS STREW HIS PATH—RAIN OF ROSES AND VIOLETS UPON HIS CARRIAGE—ENTERTAINED AT A STATE LUNCHEON.

(By Charles A. Selden.)

PARIS, December 14, 1918.

President Wilson arrived in Paris this morning, and the inhabitants of the city, with hosts from outside, made the most of their long-awaited opportunity to give expression to their feelings of gratitude to and admiration for the first citizen of the United States.

There were no "ifs," "buts," or "ands" about the tumultuous and joyous reception accorded by the populace.

For a week the tone of the Paris press has been, "We are glad you are coming, Mr. President, but hope that you won't insist on our doing what we don't want to do at the peace conference."

There was none of that attitude in the public demonstration, no reservation whatever. On the contrary, Paris was madly enthusiastic in its greeting to the first President of the United States who ever came to Europe. They did not care for a moment what the peace ideas were in

the uncovered gray head which bowed its way through the famous thoroughfares of Paris, lined with tens of thousands of French troops holding back hundreds of thousands of French people.

To these Parisians the man whom they cheered and threw flowers at was simply the man who had sent the American troops which had saved this same Paris from capture by the Germans no longer ago than last July. So the reception was one of gratitude and affection, without a shade of political thought or significance.

There were neither Socialists nor Royalists in that crowd, only grateful Frenchmen and Frenchwomen, happy to see the one man on whom they could concentrate their devotion and thanks for what America had done since April, 1917. It was the same with the soldiers as with the civilians. Except for the guns and uniforms of the more than 50,000 poilus who lined the 5-mile route there was no difference between the fighters in the front and the men and women banked up behind them from the sidewalk level to the housetops and the tree tops. French Army discipline is elastic enough to let the soldier express his human emotions even on duty, so these soldiers joined with the rest in cheering the Commander in Chief of the soldiers who fought at Chateau-Thierry and in the Argonne.

Everything was in the President's favor. Even the weather is worth mentioning, for the quality of it was almost rare for Paris at this time of year as is the visits of an American President. Not only did it not rain, but small patches of the sky were actually blue. Previously the only blues in Paris this winter have been horizon blue of the French uniform and the blues of the Americans who want to go home.

The presidential train reached the Bois de Boulogne station at exactly 10 o'clock. One could get the first emotional thrill out of the very slowness with which the locomotive, draped with an American flag, moved into the station to bring the door of the Wilson car to an exact halt at the red-carpeted platform, where President Poincaré and Mrs. Poincaré and Premier Clemenceau stood to greet the nation's guest.

The President was the first man out of the car, looking remarkably well and happy. The platform greetings were very brief and informal. Five minutes later the Presidents of the French and American Republics, sitting together in an open carriage drawn by two horses, began their drive, which will remain always as an historic and moving episode to the city of episodes and pageants.

Following them in the second carriage were Mrs. Wilson, Miss Wilson, Mme. Poincaré, and Mme. Jusserand. And after that were not more than a dozen other carriages, containing civil and military dignitaries of France and America. Ambassador Sharpe rode with Premier Clemenceau. Gen. Bliss was in a carriage ahead of Gen. Pershing. Secretary Lansing rode with M. Pichon, the French minister of foreign affairs.

At the station a young woman in the peasant costume of Alsace got through the lines, and carried a big bunch of roses to the President's carriage. A group of schoolboys did the same thing, and loaded Mrs. Wilson's carriage with violets.

Violets were the flowers of the day. The Champ Elysées was covered with bunches which were thrown at the Wilson carriage, but fell on the pavement.

The only break in the miles of French troops was a two-block stretch of sidewalk on Avenue de Bois de Boulogne, which was filled by wounded American soldiers from a near-by military hospital. Chairs and boxes had been placed for them.

These were the first men wearing American uniforms whom Wilson saw in Paris. Of course, no American troops were under arms or participated in any way in the reception.

But every American soldier off duty and every American civilian in Paris was somewhere in the line to cheer the chief of his or her own country. We knew how the British felt the other day when King George rode down the same avenue.

A detour was made from the Champ Elysées to cross the Seine over the Alexander III Bridge, which recalled another historic pageant when Paris outdid itself to honor an absolute ruler in the person of the Czar. Then the party came back across the river through the Place de la Concorde, by the Church of the Madeleine, and on to the palace of Prince Murat, who was there standing at the entrance to welcome the President to what is to be his home during his stay in Paris.

Paris simply can not and will not work on such occasions as these. It was so the other day for King George, and a little later for the King and Queen of the Belgians.

To-day and to-morrow have been officially declared fête days for the capital, and, without making comparisons, it is safe to assume that the city will break all its wonderful records in a tumult of hospitality.

Paris is more or less accustomed to kings and czars. The people of little more than middle age recall when France had an Emperor of her own, but this is the first time, of course, that Paris ever entertained an American President, and Paris loves a novelty as well as to greet the head of a friendly State.

[From the New York Times, Dec. 15, 1918.]

VICTORIES WOULD BE VAIN, POINCARÉ TELLS WILSON, IF GERMAN ATROCITIES WERE TO REMAIN UNPUNISHED.

PARIS, December 14, 1918.

Speaking at the luncheon to President Wilson given at the Elysée Palace to-day, President Poincaré said:

"Mr. President, Paris and France awaited you with impatience. They were eager to acclaim in you the illustrious democrat whose words and deeds were inspired by exalted thought, the philosopher delighting in the solution of universal laws from particular events, the eminent statesman who had found a way to express the highest political and moral truths in formulas which bear the stamp of immortality.

"They had also a passionate desire to offer thanks, in your person, to the great Republic of which you are the chief for the invaluable assistance which had been given spontaneously, during this war, to the defenders of right and liberty.

"Even before America had resolved to intervene in the struggle she had shown to the wounded and to the orphans of France a solicitude and a generosity the memory of which will always be enshrined in our hearts. The liberality of your Red Cross, the countless gifts of your fellow citizens, the inspiring initiative of American women, anticipated your military and naval action, and showed the world to which side your sympathies inclined. And on the day when you flung yourselves into the battle, with what determination your great people and yourself prepared."

[From the Washington Bureau of the Evening Bulletin.]

LAW TO BAR PRESIDENT FROM PEACE CONFERENCE DISCOVERED.

WASHINGTON, December 4, 1918.

Widespread interest has been aroused at the Capital, especially in the two Houses of Congress, by the discovery or, rather, the resuscitation of a law on the statute books which reads as follows:

"Hereafter the Executive shall not extend or accept any invitation to participate in any international congress, conference, or like event without first having specific authority of law to do so."

This law was enacted March 4, 1913, and is certain to be invoked by those who are forming an indictment against President Wilson for having abandoned Washington and his constitutional duties while Congress is in session, to go as a self-appointed delegate to an international conference to which he was not formally invited and without the sanction or, indeed, the approval of Congress.

Mr. SHERMAN. Mr. President, the Senator from Massachusetts [Mr. WEEKS] yesterday referred to the very great difficulty of obtaining information from those in the military service. Hundreds of telegrams and letters come to me asking for tidings of members of the family in the military service. The Navy Department is the only place I have found human sympathy and prompt action, and I gladly testify to it. My communications with the Navy Department authorities have been satisfactory, so far as I have had any occasion to invoke their services. They have readily cabled and used every facility at their command to locate the members of the naval service who have been abroad, and have done so to the very limit of their ability.

It has been impossible to obtain the information of casualties or a word from long absent, unheard-of soldiers in the foreign service. Sleepless mothers pray for relief from their anxiety, and the careworn faces of despairing fathers haunt the days. Whether their sons are in the hospital sick or wounded or dead in a foreign grave, it is the highest duty of Government to end their suspense. Parents do not dread the death or wounds which they know are inevitable in war, but the delay by inefficiency and bureaucratic martinets is silently killing the mothers of the country. I am constantly told the cables are overworked with accumulated messages, and we must wait. So we do, but while we wait these parents, as well as Senators, read from 6 to 15 columns of cabled news minutely describing the President's reception in the various capitals of Europe. The cables inform us in great detail of the gowns and headgear of queens, princesses, and Mrs. President. The latest dress design known to Paris is worthy of a cable. Even it is noted that Mrs. Wilson wears an aigrette among other ornaments of the hat.

My recollection is that in the safety-to-birds act the one growing this desirable aigrette token is protected in our country by an act of Congress.

I have no objection to this news, but I do want first the mothers who are awake nights informed of whether their sons are dead or in a hospital with wounds or well, and then I am willing for the cables to be used for all news purposes afterwards.

The cable likewise describes the palace of Prince Murat. We are told in detail of closets for 50 suits of clothes, 30-foot square bathroom, a 35-seat dining-room table, dinner service of pure gold, telephones in every room, inlaid mahogany table, gondola-shaped bed, canopied with pink brocade and pink tapestries, the services of Georgette, the personal maid of Princess Murat, the ladies' closets large enough for 100 gowns, 200 pairs of shoes and slippers, 50 parasols, 50 fans, and other feminine accessories, delight the American people and give to anxious parents information so desired. More than 3,000 glasses, we are further informed, load the pantries of this palace, serving more than 60 different kinds of beverages.

I am reading this at the risk of being accused by my distinguished colleague [Mr. LEWIS] of doing it for political purposes. I wish the information for my next door neighbor's wife, whose three sons have not been heard of for months, before the cables groan with such messages.

The interior finish of the private apartment is cabled in full. I forbear to quote it all. The splendor is stunning to an unsophisticated American. The President's private study occupied in this palace contains a charming inlaid desk where the President may work facing a wonderful painting of Cupid and Psyche, filling almost the entire wall above the bookcases. The library is decorated in crimson damask. It contains many paintings and busts of Napoleon, with numerous relics of that deceased gentleman. An empire bed is described, tapestries, brocade Cupids and panels of fairylite fillet lace, with unique collections of porcelains, ivory, with carpets on the floor nearly an inch thick. The servants' staff, with a guard of French soldiers, is described. So much for Paris.

In London the overloaded cables convey to us, while sorrowing anxious mothers wait, the regal splendor of the honors done the President. We are informed, with great particularity, December 27, 1918:

Every royal formality which has attended epochal occasions at the palace for two or three hundred years was carried out during the banquet. President Wilson with Queen Mary led the procession into the dining hall, preceded by officials of the palace, splendidly costumed, bearing wands and walking backward and making obeisance to the guests.

I want less obeisance and more information about the absent soldiers in the hospitals or in the field.

January 1, 1919, at Brest, France, an eyewitness says 70,000 American soldiers are awaiting transportation home under living conditions of such intolerable wretchedness and misery that one marvels at the patience and discipline that keep them from breaking into open rebellion. Insufficiently nourished and inadequately sheltered from the elements of a Breton winter, they are enduring with dumb fortitude a state of affairs that is a disgrace to the Government. Seventy thousand helpless sons of the Republic which they went across the seas to save are mutely pleading for redress of the great wrong to which they are being subjected and under which they and their officers are helpless in the face of a system that has broken down.

That is why the Senator from Oregon [Mr. CHAMBERLAIN], in his timely remarks a few days ago, indulged in a very needed criticism.

Correspondent Brown in the article quoted states that the mud in many parts of this camp is not merely knee high, it is thigh high. The men are fed from food ladled out of large zinc garbage cans. While no doubt they are clean, the mental suggestion connected with them is far from appetizing. The food is badly cooked and unpalatable. The sanitary conditions are threatening. A surgeon at the camp says, "Anything may break out in this camp."

The place is called a crime.

I wish to compare the zinc garbage cans, out of which the American soldier is fed, with the \$15,000,000 solid-gold plate service and the inlaid mahogany table from which the President and Rear Admiral Grayson are feasting in London.

It was to prevent such scenes as this that Congress required the Executive's duties to be exercised at the seat of government by the act of 1790. By the act of March 4, 1913, it was further provided that the President should not extend or accept any invitation to participate in any international conference without first having specific authority of law to do so. Both of these essential acts have been violated in letter and spirit.

I am willing to hear explanations of Senators at any time, whether the President is absent as Commander in Chief of the Army and Navy or as the civil Chief Magistrate of this Republic, in which capacity, or both, he is now absent, in flat defiance of an act of Congress approved March 4, 1913, as well as the older act of 1790. Martial law has not been declared upon any of the soil of this Republic, the civil laws are still in force; no reason exists for suspending the laws of the land. Martial law can not be declared unless the facts justify it. One of such facts would be an invasion by a public enemy.

Mr. HITCHCOCK. Mr. President, what is the date of the act of Congress referred to by the Senator?

Mr. SHERMAN. The 4th of March, 1913. It is found in the legislative, executive, and judicial appropriation act approved on that date. Both of these essential acts have been violated in both letter and spirit.

The cables have been burdened with useless news. Sleepless mothers have been crowded off the wires in this foolish and cruel display of un-American adulation abroad.

We are further informed that the tips expected to be paid by the President at the several palaces where he is lodged and entertained in Paris, London, Rome, and Brussels will run from \$10,000 to \$30,000 each for the parasites who walk backward making obeisance to guests and other useless appendages of European pomp and circumstance. These tips would pay many cable messages to anxious mothers and be of some real service when drawn from the Public Treasury supplied by taxes.

Mr. THOMAS. Mr. President, before the Senator takes his seat I should like to inquire of him whether the information which has been published under the guise of cable dispatches describing the reception of the President, the character of the house which he occupies, and so forth, was really sent during the period of time that the President was there, or whether these dispatches are not written by correspondents, sent in advance, and then released under the guise of cable dispatches.

Mr. SHERMAN. They are reported as cable dispatches.

Mr. THOMAS. I know they are.

Mr. SHERMAN. I have no way of penetrating the secrets of the editorial room.

Mr. THOMAS. In the case of many papers, matter appearing as dispatches is composed in their editorial sanctums.

Mr. SHERMAN. The Associated Press is a reputable news-gathering organization; I have always found it to be reliable; and it reports these matters as cablegrams.

Mr. THOMAS. Yes; I do not dispute the fact; I am simply inquiring as to whether or not the Senator had verified the facts. Of course, the Associated Press is a reputable concern; but I am informed upon very good authority that a great deal of the stuff that we read in the newspapers as cable dispatches

consists of communications of correspondents previously made and released upon the occasion.

Mr. SHERMAN. I know the date lines are those of Paris and London and the matter purports to be cabled. The Senator can, by communicating with the Associated Press or the International News Service, the Hearst Agency, find out whether these are bona fide cables or whether they are fabricated in the offices of the several newspapers. I think they are bona fide.

Mr. THOMAS. Oh, yes; of course, I can do that; but my purpose was to ascertain whether the Senator had done it.

Mr. SHERMAN. I have not investigated it in that particular. I have investigated in other particulars, Mr. President, matters in which I have been personally interested, especially in connection with information I have been trying to get as to wounded soldiers and sailors through proper avenues in the department, and at other times, at my own expense, paying for the cablegrams myself. I find ordinarily that the cables are reported accurately going to newspaper offices or these news-gathering agencies like the Associated Press. When I have failed in other particulars, I have found truthful reports in press agencies. This is corroborative evidence and ordinarily, in dealing with any established agency where they have told me the truth in other particulars, I take the date line and the subject matter and like matters of news gathering as being truthful. I take it that these reports, Mr. President, are worthy of credence, at least until they have been controverted and proven not to be so.

LORD BRYCE'S VIEWS OF A PEACE LEAGUE.

Mr. LODGE. Mr. President, I ask to have printed a brief extract, which I am going to take the liberty of reading, as it bears upon our debate. I hold in my hand the volume of Essays and Addresses in War Time, by Lord Bryce, as everyone knows, one of the most eminent statesmen, historians, and publicists now living. The last essay in the book is concerning a peace league, of which he is a very strong advocate, but he realizes that, while everyone desires the peace of the world, there are differences of methods. The whole essay is well worth reading, and I should be glad to have it all printed in the Record, but I do not want to interfere with the copyright. So I am going to ask leave to read his summing up, and I think that it gives a very good idea of what those who have thought about the league of nations mean and what they understand by it.

Lord Bryce says:

"It may be convenient to sum up in a few propositions the reasons for creating a peace league and the essential features which it ought to possess:

"1. The prevention of future wars will be, after this war has ended, one of the supreme needs of the world.

"2. War can be prevented only by substituting for it methods of arbitration and conciliation as the means of settling international disputes.

"3. Arbitration and conciliation can not succeed unless there is compulsive force behind them.

"4. Compulsive force can be secured only by the cooperation and combination of peace-loving nations, i. e., by a league to enforce peace.

"5. Every member of such a league must undertake to accept arbitration or conciliation in any controversy it may have with another member.

"6. The league shall undertake to defend any one of its members who may be attacked by any other State which has refused to accept arbitration or conciliation.

"7. The league will require four organs for its action: (a) A tribunal to arbitrate on justiciable controversies; (b) a council of conciliation to inquire into and apply mediation in non-justiciable controversies; (c) a representative conference or congress to amend, develop, and codify international law; and (d) an executive authority to decide on the time and methods of applying (and to supervise the application of) measures for compelling disputant States to submit to arbitration and to allow time for conciliation before resorting to hostilities.

"8. The methods of enforcement may be either the use of economic pressure or the use of armed force, or both, as the executive authority may determine.

"9. The league shall adopt any measures it finds to be practicable for bringing about a general reduction of military and naval armaments.

"These may be taken as the chief points on which most of those who have been advocating the project in Britain and America are agreed. Other points of importance, but on which some difference of opinion exists, are the following:"

These are the points of importance which those who favor the league are not agreed upon:

"(a) What shall be the principle regulating the admission of States to a peace league?

"(b) Shall all the members of the league (great and small) have equal powers and responsibilities, or, if not, how shall these be distributed?

"(c) How shall the persons to serve on the tribunal of arbitration and on the council of conciliation be chosen?

"(d) Shall the executive authority of the league consist of persons representing the governments of the States who are its members, or how otherwise?

"(e) Shall the council of conciliation have power to act when it sees dangers which threaten peace looming up, without being invoked by a disputant State?

"(f) Shall the league have a standing army and navy, or shall it obtain its necessary forces by summoning the contingents of the States (or of the greater States) when the need for military action arises?

"(g) Shall a decision to apply compulsion (economic or military) require the concurrence of all the States who are members of the league, or, if not, what majority shall be required?

"(h) Shall force (economic or military) be applied only to compel the acceptance by disputant States of arbitration or of conciliation (as the case may be), or also to compel such States to obey the judgment of the tribunal of arbitration, or the recommendations of the council of conciliation, as the case may be?

"(i) What methods are to be resorted to for securing a reduction of military and naval armaments?

"(j) To what extent may the diplomacy of the States composing the league continue to be conducted secretly?

"(k) Are the States composing the league to be at liberty to make separate treaties with one another?

"(l) Are tariff duties on imports and the fiscal relations generally of the States composing the league to fall to any; and if so, to what extent within the scope of the league's action? In particular, are preferential duties on imports to be deemed incompatible with the successful working of the league?

"Such a list as this, incomplete as it is, of problems to be solved in setting up some machinery for averting war shows how immensely difficult is the task."

And yet Lord Bryce has omitted one important point. There is one nation already that has said that one thing to be settled in the league must be that there shall be no race exclusion.

I merely desire to print these extracts, for I think, coming from such a source, they deserve the attention and examination of the Senate.

Mr. President, I also ask leave to have printed, without reading, two extracts which I have made from a book by Mr. H. G. Wells, the well-known and brilliant novelist, called "In the Fourth Year." The book is written in support of the league of nations, of which he is a very ardent advocate; and he is a man widely read and who always writes most interestingly. I will read only a single paragraph from it, because I think it is well for the Senate to consider some of these directions in which the league of nations goes, according to its supporters, when they logically carry it out.

Mr. Wells says:

"How far may the supreme court of the world attend to grievances between subject and sovereign?

"Such cases are highly probable, and no large, vague propositions about the 'self-determination' of peoples can meet all the cases. In Macedonia, for instance, there is a jumble of Albanian, Serbian, Bulgarian, Greek, and Roumanian villages always jostling one another and maintaining an intense irritation between the kindred nations close at hand. And quite a large number of areas and cities in the world, it has to be remembered, are not homogeneous at all. Will the great nations of the world have the self-abnegation to permit a scattered subject population to appeal against the treatment of its ruling power to the supreme court? This is a much more serious interference with sovereignty than intervention in an external quarrel. Could a Greek village in Bulgarian Macedonia plead in the supreme court? Could the Armenians in Constantinople, or the Jews in Roumania, or the Poles in West Prussia, or the negroes in Georgia, or the Indians in the Transvaal make such an appeal?

He goes on to argue in behalf of it, and I ask that those extracts may be printed. I think they deserve attention.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

"IN THE FOURTH YEAR."

(By H. G. Wells.)

[Page 6, et seq.]

"That council of the league of nations will be a tie as strong, we hope—but certainly not so close and multiplex—as the early tie of the States at Washington. It will begin by having certain

delegated powers and no others. It will be an "ad hoc" body. Later its powers may grow as mankind becomes accustomed to it. But at first it will have, directly or mediately, all the powers that seem necessary to restrain the world from war, and unless I know nothing of patriotic jealousies it will have not a scrap of power more. The danger is much more that its powers will be insufficient than that they will be excessive. Of that later. What I want to discuss here now is the constitution of this delegated body. I want to discuss that first in order to set aside out of the discussion certain fantastic notions that will otherwise get very seriously in our way. Fantastic as they are, they have played a large part in reducing The Hague tribunal to an ineffective squeak amidst the thunders of this war.

"A number of gentlemen scheming out world unity in studies have begun their proposals with the simple suggestion that each sovereign power should send one member to the projected parliament of mankind. This has a pleasant democratic air—one sovereign State, one vote. Now, let us run over a list of sovereign States and see to what this leads us. We find our list includes the British Empire, with a population of 400,000,000, of which probably half can read and write some language or other; Bogota, with a population of a million, mostly poets; Haiti, with a population of a million and a third, almost entirely illiterate and liable at any time to further political disruption; Andorra, with a population of four or five thousand souls. The mere suggestion of equal representation between such "powers" is enough to make the British Empire burst into a thousand (voting) fragments. A certain concession to population, one must admit, was made by the theorists. A State of over 3,000,000 got, if I remember rightly, two delegates, and if over twenty, three, and some of the small States were given a kind of intermittent appearance. They only came every other time, or something of that sort; but at The Hague things still remained in such a posture that three or four minute and backward States could outvote the British Empire or the United States. Therein lies the clue to the insignificance of The Hague. Such projects as these are idle projects, and we must put them out of our heads; they are against nature; the great nations will not suffer them for a moment.

"But when we dismiss this idea of representation by States, we are left with the problem of the proportion of representation and of relative weight in the council of the league on our hands. It is the sort of problem that appeals terribly to the ingenious. We can not solve it by making population a basis, because that will give a monstrous importance to the illiterate millions of India and China. Ingenious statistical schemes have been framed in which the number of university graduates and the steel output come in as multipliers, but for my own part I am not greatly impressed by statistical schemes. At the risk of seeming something of a Prussian, I would like to insist upon certain brute facts. The business of the league of nations is to keep the peace of the world and nothing else. No power will ever dare to break the peace of the world if the powers that are capable of making war under modern conditions say "No." And there are only four powers certainly capable at the present time of producing the men and materials needed for a modern war in sufficient abundance to go on fighting: Britain, France, Germany, and the United States. There are three others which are very doubtfully capable: Italy, Japan, and Austria. Russia I will mark—it is all that one can do with Russia just now—with a note of interrogation. Some day China may be war capable—I hope never, but it is a possibility. Personally, I do not think that any other power on earth would have a ghost of a chance to resist the will—if it could be an honestly united will—of the first-named four. All the rest fight by the sanction of and by association with these leaders. They can only fight because of the split will of the war-complete powers. Some are forced to fight by that very division."

[Page 28, et seq.]

"And now let us consider what are the powers that must be delegated to this proposed council of a league of free nations if that is really effectually to prevent war and to organize and establish and make peace permanent in the world.

"Firstly, then, it must be able to adjudicate upon all international disputes whatever. Its first function must clearly be that. Before a war can break out there must be the possibility of a world decision upon its rights and wrongs. The league, therefore, will have as its primary function to maintain a supreme court, whose decisions will be final, before which every sovereign power may appear as plaintiff against any other sovereign power or group of powers. The plea, I take it, will always be in the form that the defendant power or powers is engaged in the proceedings 'calculated to lead to a breach

of the peace,' and calling upon the league for an injunction against such proceedings. I suppose the proceedings that can be brought into court in this way fall under such headings as these that follow: Restraint of trade by injurious tariffs or such like differentiations, or by interference with through traffic, improper treatment of the subjects or their property (here I put a query) of the plaintiff nation in the defendant State, aggressive military or naval preparation, disorder spreading over the frontier, trespass (as, for instance, by airships), propaganda of disorder, espionage, permitting the organization of injurious activities, such as raids or piracy. Clearly all such actions must come within the purview of any world supreme court organized to prevent war. But in addition there is a more doubtful and delicate class of cases, arising out of the discontent of patches of one race or religion in the dominions of another. How far may the supreme court of the world attend to grievances between subject and sovereign?

"Such cases are highly probable, and no large, vague propositions about the 'self-determination' of peoples can meet all the cases. In Macedonia, for instance, there is a jumble of Albanian, Serbian, Bulgarian, Greek, and Roumanian villages always jostling one another and maintaining an intense irritation between the kindred nations close at hand. And quite a large number of areas and cities in the world, it has to be remembered, are not homogeneous at all. Will the great nations of the world have the self-abnegation to permit a scattered subject population to appeal against the treatment of its ruling power to the supreme court? This is a much more serious interference with sovereignty than intervention in an external quarrel. Could a Greek village in Bulgarian Macedonia plead in the supreme court? Could the Armenians in Constantinople, or the Jews in Roumania, or the Poles in West Prussia, or the negroes in Georgia, or the Indians in the Transvaal, make such an appeal? Could any Indian population in India appeal? Personally I should like to see the power of the supreme court extend as far as this. I do not see how we can possibly prevent a kindred nation pleading for the scattered people of its own race and culture, or any nation presenting a case on behalf of some otherwise unrepresented people—the United States, for example, presenting a case on behalf of the Armenians. But I doubt if many people have made up their minds yet to see the powers of the supreme court of the league of nations go so far as this. I doubt if, to begin with, it will be possible to provide for these cases. I would like to see it done, but I doubt if the majority of the sovereign peoples concerned will reconcile their national pride with the idea, at least so far as their own subject populations go.

"Here, you see, I do no more than ask a question. It is a difficult one, and it has to be answered before we can clear the way to the league of free nations."

Mr. LODGE. Mr. President, I wish to say a single word, if the Senate will permit me, before I take my seat.

I have introduced these extracts—the one from Lord Bryce's book deserves especial attention—because I wanted to call the attention of the Senate to the enormous difficulties involved in a league of nations. It is very easy to say "a league of nations," "a league to keep the peace of the world"; but what is that league to be? Nobody in authority has told us yet. They have been content to use the words "league of nations"; but if anyone will take the trouble to look over the passage I have read he will see what vast questions are opened up by the league of nations.

My friend from Illinois [Mr. LEWIS] and my friend from Tennessee [Mr. McKELLAR] have found fault with the Senator from Pennsylvania [Mr. KNOX] and myself and said that we were engaged in making an attack on the President, in preventing unity, and in trying to make party capital. Incredible as it may seem, there is nothing of that kind in what I, for one, am trying to do, nor, I am sure, in what the other Senators are trying to do who are discussing this question.

Mr. President, the ambitions or the fate of Presidents or presidential candidates, the fate of political parties, are infinitely small compared to what is before the Senate as part of the treaty-making power. We are concerned here, not with the fate of men or parties; we are concerned here with the settlement of questions which involve the peace of the world. We ought to approach it in the most careful spirit, in the most solemn attitude of mind, for a mistake may lead to greater evils than those we seek to cure. My own belief is—and it is the one point I feel strongly about now—that these questions of the league of nations, or the freedom of the seas, or future international law, all of the utmost importance, should follow and not precede the peace with Germany.

The days are going by and nothing is done to make peace with Germany. No man can tell what will happen from day to

day. The situation is perilous in the highest degree. I am no alarmist; but the fact is, the war is not over, and it will not be over until peace is made. Every day makes it more difficult to make such a peace as we ought to make with Germany in order to prevent her breaking out again upon the world. I feel that our first duty is to act in the living present, to bring peace to the world in the year 1919, before we undertake to make a peaceful world in the year 2000. That is the duty that seems to me imminent now, and the one that we ought to attend to first.

But, Mr. President, these questions are of such magnitude, of such importance to the whole of the world and to civilization, that I think we may well lay aside all talk of the trivial matters of personal ambitions or party fate. It makes very little difference who is President or what party wins in this country, compared with the fact that we have to deal to-day with a question that affects millions of human beings and in which the peace of the world is at stake.

Mr. LEWIS. Mr. President, will the Senator allow me to interrupt him?

Mr. LODGE. Certainly.

Mr. LEWIS. At this point I want to call the Senator's attention to the fact that the Senator now says that his whole contention was that we should have peace at once, and that in his presentation for postponement he merely meant to say, or I assume he meant to say, that these other questions which would occupy time should be postponed. I ask the Senator if, in the speech he made but a few days past, on December 21, 1918—the speech he now would vindicate against the assaults made upon it—the eminent Senator did not then say, referring to the peace that we are now trying to adjust—

Physical guaranties which when taken would make signatures to treaties negligible can alone assure a durable peace with Germany. I do not need to rehearse what those physical guaranties should be, for I have stated my views upon them more than once to the Senate, and I think there is general agreement upon them not only in the Senate but among the American people.

And then did not the Senator say that this peace should involve the following:

The restoration of Belgium, the return of Alsace-Lorraine to France, of the Italia Irredenta to Italy, the establishment of a Jugo-Slav State, and of an independent State formed by the Czecho-Slovaks. They include also the security of Greece, the settlement of Albania and Montenegro, the restoration of Roumania, the consolidation of all the Roumanian people under one government, as well as the neutralization of the straits, the putting of Constantinople under international protection, with Greece perhaps as the mandatory of the powers to administer the affairs of the city, the independence of Armenia, the return of those portions of Asia Minor where Greeks are predominant to Greece.

I ask the Senator if he feels that these matters which he presents, together with our entering into Russia, and giving it some consolation, if not sympathy—does the Senator assume that these matters that he urges should be entered upon now in this peace would take less time in their disposition, in view of the past conflict of 40 years over them, than the mere agreement among the people for a league to establish some form of peace?

Mr. LODGE. Mr. President, I have no desire to vindicate my speech. I did not know it had been assaulted, and I care very little whether it has been or not. That is exactly what I said. I pointed out the question that must be settled as part of this war in order to get peace and prevent Germany from breaking out again on the world. I said that those questions were enough, to begin with, to take all the ability and all the courage and all the strength that all the nations could bring to bear; that those were the questions that we must settle first; and that we ought not to take up questions not essential to the peace with Germany until we have made the peace with Germany.

I think the proposition is clear.

Mr. LEWIS. I merely wish to suggest to the able Senator, if he felt as he does this morning—that we should have immediate peace, or we know not what would break out, he has such apprehensions—that these suggestions that he presented then, as I respectfully contend, as a duty of the United States, would have involved a length of time so extending as to make impossible that immediateness which he feels now is so essential to prevent the breaking out of that which he says we know not. The Senator must see that, apparently, the length of time that would be taken in his proposition far exceeds that that could be possibly involved in the mere peace with Germany.

Mr. LODGE. That amounts to saying that we must not have a peace with Germany at all. The point I made was that there should be a peace made with Germany, and those are the points that will have to be dealt with in order to make peace with Germany, whether they take a short time or a long time. If you throw those points away, you make no peace with Germany.

The VICE PRESIDENT. Petitions and memorials are in order.

PETITIONS AND MEMORIALS.

Mr. LODGE. I present a petition from members of the faculty of Clark College, of Worcester, Mass., praying for the establishment of a league of nations. I move that the petition be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. LODGE. I also present resolutions of the Worcester Branch of the League to Enforce Peace, of Massachusetts, signed by many of the leading men of that city, who are well known to me, favoring the entrance of the United States into a league of nations. I move that the resolutions be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. LODGE. I also present a petition signed by Hon. Andrew J. Peters, mayor of Boston, Right Rev. William Lawrence, bishop of Massachusetts, and other citizens of Massachusetts, praying for the inclusion of the severed Provinces of Poland in a free and independent Polish state. I move that the petition be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. LODGE. I present a telegram, including resolutions from citizens of the United States of Lithuanian origin, in regard to affairs in Lithuania, which I ask may be printed in the RECORD without reading and referred to the Committee on Foreign Relations.

There being no objection, the telegram was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

[Telegram.]

BOSTON, MASS., January 3, 1919.

Senator HENRY CABOT LODGE,

United States Senate, Washington, D. C.:

A protest resolution voted upon by the Lithuanians at a mass meeting, all parties being represented, held January 2, 1919, in Lithuanian Hall, on E Street, South Boston, Mass., we, the Lithuanians of South Boston and vicinity, hearing that the Polish Army threatens to take Vilna, the capital of Lithuania, met in Lithuanian Hall January 2, 1919, and decided that whereas Lithuania since prehistoric times embraces the Baltic coast as a separate country and nation, whose language and customs have nothing in common with those of Poland; whereas Lithuania having been for a long time an independent nationality and since 1772, when Russia and Germany enslaved her, Lithuanians have not ceased to fight for their rights; and whereas this war was waged for the freeing of enslaved nations, therefore a great wrong would be done to the people of Lithuania if some other foreign nation would be permitted to thrust itself into Lithuania. Protesting against the imperialistic steps of the Poles, we beseech the United States to use its influence so that this attempt of Lithuania's adversary be checked and the Lithuanians be permitted to have their own government. We further ask the United States Government, which so generously aids other war-suffering nations, to lend a hand in behalf of the starving people of Lithuania.

MIKUS PETRAUSKUS, Chairman.

Mr. LODGE. I also present a telegram embodying a resolution from the American Association of the Greek Community of Chicago, Ill., in regard to the admission of Greece to the congress of nations and the consideration of those things that interest Greece and the rights of small nations, which I ask may be printed in the RECORD without reading and referred to the Committee on Foreign Relations.

There being no objection, the telegram was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

[Telegram.]

CHICAGO, ILL., January 2, 1919.

Senator HENRY CABOT LODGE,

Washington, D. C.:

The following resolution was adopted by the American Association of the Greek Community of Chicago, composed of American citizens of Greek origin or descent, in mass meeting assembled the 27th day of December, 1918:

Whereas the rights of small nations are to be given consideration by the congress of nations; and
Whereas no nation has suffered more in the past than has Greece, in that many of her people have long suffered under the Turkish, Bulgarian, and Albanian rule and tyranny; and
Whereas portions of former undisputed Greek territory now under said Turkish, Bulgarian, and Albanian rule should be part of Greece for historical, racial, social, and ethnological reasons; and
Whereas the return of these unredeemed parts of Greece to her will forever settle one of the disturbing elements in the Balkans: Therefore be it

Resolved, That the Members of the House of Representatives and Senate be requested to do all in their power to bring the matter before the congress of nations, so that the ancient wrongs suffered by Greece may be righted.

AMERICAN ASSOCIATION OF THE GREEK COMMUNITY OF CHICAGO,
By PAUL DEMOS, President, 105 West Monroe Street.

Mr. TOWNSEND presented a petition of the Trades and Labor Council of Grand Rapids, Mich., praying that action be deferred on the prohibition amendment until after April 7, 1919, which was ordered to lie on the table.

He also presented a petition of Local Union No. 321, International Molders' Union, of Saginaw, Mich., and a petition of

Local Union No. 244, International Molders' Union, of Detroit, Mich., praying for the passage of the so-called civil-service retirement bill, which were ordered to lie on the table.

He also presented petitions of the Rotary Club of Muskegon, of the Woman's Club of Mount Pleasant, of sundry citizens of White Pigeon, and of sundry teachers of the public schools of River Rouge, all in the State of Michigan, praying for the establishment of a department of education, which were referred to the Committee on Education and Labor.

He also presented petitions of Local Union No. 999, Brotherhood of Railway Carmen of America, of Ionia, of Custer Lodge, No. 958, Brotherhood of Railway Carmen of America, of Jackson, and of the Michigan State Grange, all in the State of Michigan, praying for the five-year extension of Government control of railroads, which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Lumbermen's Association of Grand Rapids, Mich., praying for the return of the railroads to private ownership, which was referred to the Committee on Interstate Commerce.

Mr. CALDER. I present a resolution from the City Council of Buffalo, N. Y., which I ask to have printed in the RECORD and referred to the Committee on Post Offices and Post Roads.

There being no objection, the resolution was referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

CITY CLERK'S OFFICE,
CITY AND COUNTY HALL,
Buffalo, December 14, 1918.

To whom it may concern:

I hereby certify that at a session of the council of the city of Buffalo, held in the city and county hall on the 11th day of December, 1918, a resolution was adopted, of which the following is a true copy:

FROM THE MAYOR.

BUFFALO, December 11, 1918.

No. 1.
I am in receipt of a communication from the Aerial League of America in regard to plans now working out by the United States Post Office Department for the extension in the immediate future of the aerial mail service throughout the country. It is pointed out in this connection that six months of daily aerial mail service between New York and Washington have shown that aerial mail can be carried on schedule time, regardless of weather conditions, even with small, single-motored planes. It is further stated that when planes of two or more motors are used aerial mail lines can be operated day and night under any conditions.

It is desirable, of course, that Buffalo be included in any new system of aerial postal routes which may be put in operation by the Government, and in order that there may be no delay in making known the city's wishes I recommend that the city clerk be directed to communicate at once with Senators WADSWORTH and CALDER and Congressmen DEMPSEY, SMITH, and WALDOW, setting forth Buffalo's desires and the manifest advantages of including this city in the new service.

Received, filed, and recommendation adopted.

Ayes, Bagley, Buck, Heald, Kreinheder, Malone—5.

Noes, none.

And I further certify that said resolution was signed by his honor, the mayor of said city of Buffalo, on the 14th day of December, 1918.

Attest:

[SEAL]

D. J. SWEENEY, City Clerk.

WOMAN SUFFRAGE.

Mr. SHAFROTH. Mr. President, I desire to call the attention of the Senate to an article in the Washington Post of this morning which is significant:

[From the Washington Post, Jan. 3, 1919.]

SWEDEN EXTENDS SUFFRAGE—ALL MEN AND WOMEN GET BALLOT—PLURAL VOTING ABOLISHED.

Sweeping electoral reforms effected in Sweden, providing the "most extended universal suffrage for both men and women, irrespective of taxability," are described in a cable dispatch received yesterday by Swedish Minister Ekengren from the foreign minister at Stockholm.

The reforms are expected by legation officials to have far-reaching effect on the political complexion of the Swedish Diet, making probable a democratic majority of Videlicet liberals and labor-party members in both houses. It may also be effective, it is explained, in forestalling any tendency toward bolshevism.

Since 1909, in the lower house of the Diet, such a majority has existed, but in the upper house there has been a constant conservative majority. The majority in the lower house always has been almost entirely pro-Ally. Whatever pro-German tendencies that have existed in Sweden, it is said, have been confined largely to the conservatives.

The lower house has been based on direct and personal manhood suffrage, but the upper house was elected indirectly by provincial assemblies elected by communal suffrage, with plural voting by companies and associations.

The chief change now abolishes plural voting, the right to vote being purely personal.

Mr. President, I want to call the attention of the Senate to the fact that 12 countries have admitted women to suffrage during the year 1918.

The VICE PRESIDENT. This is not the regular order, which has been called for.

Mr. THOMAS. I should like to ask the Senator if they have any watch fires burning at the capital of Stockholm?

Mr. SHAFROTH. I do not think they have. I think that is a very poor policy; but, notwithstanding that fact, people

ought not to be deprived of their rights, ought not to be deprived of a proper exercise of what the Declaration of Independence says is the right of all mankind by reason of the fact that a few people do not adopt methods that are suitable or conducive to the passage of the measure.

Mr. KING. Will the Senator yield for a question?

Mr. THOMAS. Mr. President, I must insist on the regular order.

Mr. SHAFROTH. I do not think it is exactly fair that Senators should get up here and talk on matters contained in a petition and at the same time deprive others of a like opportunity.

The VICE PRESIDENT. The regular order is called for. Reports of committees are in order.

REPORTS OF COMMITTEES.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment:

H. R. 13035. An act to amend section 4 of chapter 5 of an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1919," approved July 9, 1918, and to make said amendment retroactive; and

H. R. 13366. An act permitting any person who has served in the United States Army, Navy, or Marine Corps in the present war to retain his uniform and personal equipment, and to wear the same under certain conditions.

Mr. BECKHAM, from the Committee on Military Affairs, to which was referred the bill (S. 4773) for the relief of D. C. Darroch, reported it without amendment and submitted a report (No. 632) thereon.

He also, from the same committee, to which was referred the bill (S. 2418) for the relief of James Russell, reported adversely thereon, and the bill was postponed indefinitely.

Mr. WILLIAMS, from the Committee on the Library, to which was referred the joint resolution (S. J. Res. 202) requesting the Commission of Fine Arts to submit to the Congress certain suggestions, reported it without amendment.

Mr. NEW, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 205) permitting the loan of aircraft motors and aircraft material to educational institutions under certain conditions, reported it with an amendment and submitted a report (No. 631) thereon.

STANLEY MITCHELL.

Mr. OVERMAN. On yesterday I introduced the bill (S. 5260) for the relief of Stanley Mitchell, and inadvertently it was referred to the Committee on Claims. I move that the Committee on Claims be discharged from the further consideration of the bill and that it be referred to the Committee on Naval Affairs.

The motion was agreed to.

GOVERNMENT CONTRACTS.

Mr. HITCHCOCK. I am directed by the Committee on Military Affairs, to which was referred the bill (S. 5261) to legalize informal or defective orders for war supplies and materials, to provide for the cancellation of orders and contracts, for the reimbursement of contractors and manufacturers, for the adjustment of claims on canceled or partially filled contracts and orders, and to provide relief for contractors pending final determination, to report it with amendments.

Verbally, I should like to report that this bill differs materially from the bill which has already been reported in the House and raises an important issue which I shall at an early date bring before the Senate. The bill provides for the creation of a commission to hear and to determine, promptly and informally, claims of contractors and manufacturers for war supplies whose contracts have been or may be canceled by the Government. This commission is to be appointed by the President, and is to consist of one representative of the War Department, one representative of the Department of Justice, and one representative of the business interests of the country, who shall have no interest direct or indirect in war contracts. This commission is to promptly hear and consider claims based on these contracts and make awards as rapidly as possible, under rules which it shall provide. It is to be allowed to appoint regional boards of inquiry, which are also to be composed of three individuals, one representing the local business interests, one representing the Department of Justice, and one representing the War Department. When the commission, which is to sit in Washington, has passed upon a claim and has made an award, if it is accepted by the contractor, that is to be the final settlement of the case, and the money is then to be paid over. If the contractor declines to accept that award, he is to be privileged to withdraw 75 per cent of the amount of award, and then,

within a limited time, prosecute his claim for the balance in the Court of Claims.

The object of this legislation is to settle as rapidly as possible the claims for damages which have arisen out of the making of several thousand contracts, which, unfortunately, in many cases have been made in violation of law, mere verbal orders in some cases, and in others written orders by officials not authorized to act. This legislation provides for the validation of all such contracts where they are made within the scope of the authority given by Congress, where they are made in good faith, and provides for the reimbursement of manufacturers who have gone to expense in changing the machinery in their factories in preparing to undertake Government work, even where Government work has actually not been delivered. I present this report and ask—

Mr. WEEKS. Mr. President—

Mr. HITCHCOCK. I yield to the Senator.

Mr. WEEKS. This bill is of vital importance, as has been stated by the Senator from Nebraska. A bill providing for a similar purpose but differing from this bill has passed the House. It will necessarily have to go to conference. The Senator from Nebraska has explained the purposes of the bill so clearly, which comes by unanimous report from the Committee on Military Affairs, that it occurred to me he might ask for the immediate consideration of the bill.

Mr. HITCHCOCK. I think, in view of what is on the program to-day, it might be a mistake to ask for the immediate consideration of the bill, but at an early day next week, after it has been printed, I shall ask for its consideration.

Mr. LODGE. Is it the Senator's intention to substitute this for the House bill?

Mr. HITCHCOCK. I was not aware the House had already passed a bill. I think that is a mistake. I think it has merely been favorably reported.

Mr. WEEKS. I was informed that the House has acted on the bill, though that may be a mistake.

Mr. HITCHCOCK. No; I think it has not.

Mr. LODGE. I think the House has acted favorably on the bill. I believe the matter is of great importance, and I hope that the Senator will press the bill at the earliest moment.

Mr. HITCHCOCK. I shall do so, but I think it ought to be printed first for the information of the Senate. I desire that the bill as reported by me now verbally be printed in the RECORD.

Mr. SHERMAN. Does the Senator expect to follow that up by early action?

Mr. HITCHCOCK. I shall, at the very earliest possible moment.

Mr. SHERMAN. Very many contractors are in the condition described by the Senator, and I earnestly hope the bill will be acted upon promptly and favorably. Many people in Chicago and elsewhere are in precisely the position described by the Senator. They have furnished merchandise and have carried out their contracts; but find through some informality or lack of authority upon the part of the officers of the Government they are unable to legally collect in the absence of some legislation.

The VICE PRESIDENT. If there is no objection, the bill could be passed in a few minutes.

Mr. HITCHCOCK. I am willing to make a request for the immediate consideration of the bill. I think, however, that it is important that it first be printed, and I shall ask for its consideration either to-morrow or early next week. I renew my request that the bill as reported by me be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered. The bill as reported is as follows:

A bill (S. 5261) to legalize informal or defective orders for war supplies and materials, to provide for the cancellation of orders and contracts, for the reimbursement of contractors and manufacturers, for the adjustment of claims on canceled or partially filled contracts and orders, and to provide relief for contractors pending final determination.

Be it enacted, etc., That where during the present war and prior to November 12, 1918, officers or agents acting under authority of the Secretary of War have placed orders or made contracts with manufacturers or contractors for war materials or supplies, the procurement of which has heretofore been authorized by Congress, and any of said orders or contracts has been partly or wholly performed, or expense has been incurred by the manufacturer or contractor prior to the 12th day of November, 1918, in preparation or partial execution of said contract or order, the fact that any such contract or order or agreement has not been made in the form or signed in the manner required by law shall not invalidate the same if it was entered into in good faith and lacked only the sanction of a contract in legal form. Nothing herein provided, however, shall be held to validate any contract, order, or agreement given or made by an officer or agent of the War Department not legally qualified or authorized to give a formal legal contract, nor to permit an officer to make such contract with any company, corporation, or firm in which he has, or had at the time, directly or indirectly, any interest.

SEC. 2. That in all cases as above included it shall be lawful to make payments under the terms of the agreements or orders so made or given to the extent that performance thereof has been made or supplies there-

under have heretofore been received and accepted by the United States, provided that payment in such cases shall not exceed the fair value of the supplies or materials delivered to and accepted by the United States.

SEC. 3. That in case of the cancellation, suspension, or annulment of any contract or agreement by the Secretary of War, or officers or agents acting by his authority, and in cases where no property or supplies have been delivered to and accepted by the United States, or where only partial delivery and acceptance has been made, contractors shall file with the Secretary of War within 60 days after the passage of this act any claim for remuneration arising out of the discontinuance, cancellation, or suspension of such contract, agreement, or order, property itemized and set forth. Said claims shall thereupon, together with such notations and information as the Secretary of War may cause to be attached to them, be promptly filed with the commission to be hereinafter created.

SEC. 4. That for the adjustment of all claims arising out of the cancellation of contracts, orders, and agreements for supplies or materials of war, as described in the foregoing paragraphs of this act, there is hereby created an adjustment commission to be composed of three members, to be appointed by the President and confirmed by the Senate, one representing the War Department, one representing the Department of Justice, and one representing the business interests of the country, none of whom shall be interested in any contracts with the Government or [having] have an interest in any firm or corporation having war contracts, who shall hold their offices for one year and receive as compensation a salary of \$10,000 each. It shall be the duty of said commission [to] promptly to examine and pass upon all claims for compensation and reimbursement arising out of cases as set forth in this act for supplies furnished, expenses necessarily incurred, or materials purchased under faith of contracts in legal form or orders received from officers and agents of the Secretary of War as heretofore set forth.

SEC. 5. That in each case, as soon as the commission has made an award, the contractor shall be entitled to receive the same upon giving receipt in full of all demands against the United States arising out of the transaction, or if the contractor is not satisfied with the amount so awarded he shall be entitled to receive, and shall receive at once, 75 per cent of the amount that has been awarded him, and he shall thereupon be entitled to appeal the case to the Court of Claims, which is hereby given jurisdiction to hear the case and render final judgment in such sum as may be [necessary] required to reimburse the contractor for expenses necessarily incurred in good faith in the partial performance of the contract or order above referred to or in preparing for the same.

SEC. 6. That in no case, however, shall any award either by the commission or the Court of Claims include prospective or possible profits on any part of the contract beyond the goods and supplies received and actually delivered to the United States, and a remuneration for expenses necessarily incurred in preparing to perform said contract or order so canceled.

SEC. 7. That the purpose of this act being to secure prompt settlement of claims, the commission is authorized to make its own rules and regulations and to hear and determine the issues informally and promptly upon presentation of the case. The commission is authorized to appoint, under such rules and regulations as it shall prescribe, one or more regional boards of examiners to serve in such districts throughout the country as the commission shall fix and determine, to investigate and determine the facts concerning claims, legal or equitable, that may be presented as herein prescribed. The members of such board shall be composed of one representative of the War Department, one representative of the Department of Justice, and one from the business interests of the region, none of whom shall have any interest in the contract, directly or indirectly, and receive no compensation, save and except such per diem compensation as shall be fixed by the commission. Whenever the commission shall refer to any such regional board of examiners any claim, they shall proceed informally to hear the parties, take the proofs, and return the same promptly to the commission with their recommendation thereon.

SEC. 8. That the sum of \$50,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the reasonable expenses of said commission, to be paid out upon the warrant of the chairman, who shall be chosen by the commission from among their own members, and approved by the secretary, who may be selected by the commission, and who shall receive a salary of not exceeding \$5,000 for the period of one year, or so much thereof as may be necessary, to be determined by the commission.

Amend the title so as to read: "A bill to legalize informal or defective orders for war supplies and materials; to provide for the cancellation of orders and contracts, for the reimbursement of contractors and manufacturers for the adjustment of claims on canceled contracts or orders, to provide for the partial payment of awards pending final determination, and for the creation of an adjustment commission."

IMPROVEMENT OF HIGHWAYS.

Mr. BANKHEAD. From the Committee on Post Offices and Post Roads I report back favorably, without amendment, the joint resolution (S. J. Res. 200) authorizing the Secretary of War to transfer to the Secretary of Agriculture certain war material suitable for improvement of highways, to be distributed among the several States, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. CHAMBERLAIN. Mr. President, I approve generally of the purposes of the joint resolution, but it seems to me that until a treaty of peace has been signed it would not be well to disturb the properties now in the custody of the War Department and which were essential to the proper prosecution of the war. In view of that, I think I shall have to object at this time.

Mr. BANKHEAD. I would like to state to the Senator that this resolution applies to certain materials delivered for road purposes, not now needed by the War Department, such as spades, picks, shovels, and other articles, for which the War Department can have no possible use; but I understand it is the purpose of the department to offer the material for sale, in which

case, as everybody knows, it will be sacrificed. So I thought it would be the best possible disposition to transfer them to the Agricultural Department, where they might be used for the purposes of road construction. That is all the joint resolution provides for.

Mr. LODGE. Mr. President, it seems to me, with the proposition we have of spending \$500,000,000 on cantonments and three great training fields, which, I understand, we have, of 125,000 acres each, that if we are going on with these things it is rather early to give away our road-making material.

Mr. BANKHEAD. Very well, then, if there is objection the joint resolution can go to the calendar.

Mr. LODGE. I do not object to the purpose of the joint resolution, but I think that we ought to have some knowledge about it.

The VICE PRESIDENT. The joint resolution will be placed on the calendar.

Mr. BANKHEAD. I want to ask unanimous consent in this connection to have printed in the Record a short statement which I have in support of this joint resolution, and also a short statement prepared by Gen. Coleman Dupont, who is one of the leading road engineers of this country.

The VICE PRESIDENT. Without objection, it is so ordered. The statements referred to are as follows:

PLEA FOR ROADS AT HOME.

The war showed what the national strength could accomplish in the swift construction of rapid-transit highways and the use thereon of rapid-transit vehicles.

The Nation trained its Engineer Corps and sent them to Europe equipped for the quick construction of roads. The part which the United States took in the decisive campaign was rendered possible by the use of automobiles and motor trucks over rapid-transit highways.

Now that the war is over the question arises, Are not highways as vitally important for the conduct of peace as they were for the conduct of war? With half the world going to bed hungry every night and millions doomed to starvation, is not the swift construction of the highway to the acre that produces as urgent a necessity as were the roads in the battle zone? And if the need is as urgent should the Nation slacken its effort or permit its road-building equipment to be sold or dissipated? Should it not rather increase its efforts in this direction and proceed with the construction of highways at home on a scale commensurate with the importance and urgency of the need?

It is for the Congress of the United States to answer these questions. Measures are pending designed to meet the situation, three of which are as follows:

1. Joint resolution 200, authorizing the transfer from the War Department to the Department of Agriculture of all available dispensable and suitable war material for distribution to the highway departments of the several States for use on the highways.

2. Senate bill 5088 increasing the present unexpended appropriation of about \$60,000,000 for road purposes by the addition of \$125,000,000 for expenditures to June, 1920, and \$100,000,000 a year thereafter for four years. It is also proposed to increase the appropriation for national-forest roads of \$1,000,000 a year on the present 10-year road-building program by a sum sufficient to construct 17,000 miles of forest roads, which the Government has already planned and which are necessary in order to utilize the vast resources of the national forests. The estimated cost of these roads is \$50,000,000. Amendments to the present road act freeing it from undesirable limitations are also planned, one of which will enable the Government to construct at its own cost links in important highways which could not otherwise be constructed.

3. House bill 13308 carries an appropriation of \$1,000,000 for an extension of the motor-truck Parcel Post Service. This is an increase from the \$300,000 provided in the last Post Office appropriation bill, which also authorized the War Department to transfer to the Post Office Department motor trucks for which it had no further use. Under last year's appropriation 27 motor-truck routes were established, all but one of which were operated east of the Mississippi River. The results, even in the initial stage, are such as to warrant an increase in the number of routes and their extension to the trans-Mississippi region, where rail and water facilities of transportation are altogether inadequate. The proposed transfer of 10,000 motor trucks from the War Department to the Post Office Department renders it possible to make a great extension of this service at a minimum cost. It is proposed to increase the appropriation for this service to \$10,000,000. To store these trucks would cost \$600,000 a year. To dump them on the market would be disastrous. To turn them loose to aid agriculture in the movement of farm products to the consumer would be statesmanship. To adopt such a policy would be but to follow historic precedent.

Why not turn loose every available bit of material no longer needed for war purposes to assist agriculture at this critical moment by the swift construction of roads and the speedy movement of farm products? There must be a vast amount of such material, for the Engineer Corps were sent abroad fully equipped and the war stopped so suddenly with the national effort at a maximum that much material must have been awaiting shipment in this country. There must be surveying instruments, tents, cots, blankets, mess outfits, dynamite, road machinery, horses, harness, wagons, autos, and fleets of trucks. Is it good business to sell these for a song when the Government is about to enter upon a greatly enlarged road-building program at home and must otherwise go into the market and purchase new equipment?

Senate bill 5088 has the approval of President Wilson and Secretaries Houston and Baker. The proposition not to lessen the national endeavor in road construction now that peace has come, but merely to transfer the scene of action from Europe to the homeland is but the response to a universal demand. The public rejoices to see the trophies of war now being brought back from Europe. Equally popular will be the sight of the machines that built the United States road to the Rhine at work building connecting highways from Canada to the southern boundary and from the Atlantic to the Pacific through every State in the Union.

[From Motor Life, June, 1918.]

THE HIGHWAY PROBLEM—CENTRALIZED AUTHORITY NECESSARY TO THE DEVELOPMENT OF NATIONAL HIGHWAYS.

[By Gen. Coleman Du Pont, chairman board of national councillors, National Highways Association; member State Highway Commission of Delaware:]

A nation is rich and successful and prosperous not in proportion to its natural resources, the timber in its forests, the agricultural land which can be cultivated, the minerals or oils in its mines or wells but in proportion to the amount of these resources which have been or can be developed.

Few countries are more blessed with natural resources than Mexico, yet Mexico is anything but prosperous.

The United States is often heralded as the richest country in the world. Had we developed all our natural resources to their fullest extent, we should be richer than all the other nations of the world combined.

The one underlying factor which affects all development of natural resources, which is at the bottom of all business, the foundation of credit, the pedestal of commerce, the rock on which prosperity stands, is transportation.

This country was hardly a nation until its East and West, its North and South were connected with railroads. It was the railroad which made southern reconstruction possible and which, 60 years after a war which left the South prostrate, has developed the Southland to its present prosperity.

The United States has run the gamut of encouraging, fostering, helping, neglecting, and hindering the railroads, and now, for a time, is owning and coddling them. But farseeing men are beginning to believe, as enthusiasts and dreamers have believed for years, that the future of transportation does not rest entirely with the road of steel, though it is important, but largely with the road of stone. The past decade has developed a new factor in transportation which has as yet received scant consideration from the Government. That factor is the motor truck, and it has taken a world war to make Uncle Sam, as an entity, recognize a need which hundreds and thousands of his citizens have been screaming at him for years.

That need is roads.

The United States has never had, and has not now, a road policy. It has dallied with the road question, thrown sops to road enthusiasts, played with the highway problem, and now, for the first time, is beginning to think seriously that it has other angles than local ones, other governmental uses than the provision of one more means of gaining votes. True, the United States maintains as a part of the Department of Agriculture an Office of Public Roads, which has done excellent work. There is also a Federal aid law in existence by which the National Government proposes to aid the various States build certain roads. Many States have been more farsighted than the parent Government, and have provided their citizens with good roads, well laid out, properly maintained, which have added greatly to the prosperity of their citizens.

But as a nation the United States has no road policy, recognizes no road question as such, and pays only desultory attention to constructing and maintaining its land highways, while devoting millions to waterways, and, in the past, millions to railways.

That this state of affairs must eventually come to an end is obvious to any who will follow to their logical conclusion the causes which have produced the small road mileage which the Nation possesses. The road question was first agitated when the bicycle came into popularity. But the bicycle was not a commercial factor of sufficient power to make any headway against the fact that a Nation-wide system of good roads would cost not millions but billions of dollars. The automobile came, small, weak, inefficient, and unable to negotiate rough roads, either with comfort to the owner or profit to the merchant, and the good-roads demand began to make itself heard. Then the motor truck was developed, and the demand for roads over which it can travel economically and efficiently is becoming louder and more insistent, with the result that many States have given heed, and such road systems as those of Massachusetts, Rhode Island, Connecticut, Maryland, and Ohio have resulted.

The Nation, as a Nation, has done nothing. Had the development of railroads been left to the individual States to foster, should we have a transcontinental line? It seems improbable. Had the States in this time of stress been left to work their legal will upon the carriers, had the railroads been left to continue competition as the primary moving force of their commercial life, would this country have solved its transportation problem of war materials and men?

If the Nation can grasp and solve one angle of its transportation problem, for the sake of war efficiency, is there any reason why it can not grasp and solve that other and equally vital question of roads and trucks?

From a military standpoint roads are sharply divided into two classes. First, the road which serves the Nation as an aid, a feeder, of its railroads, which takes the burden of the short haul from the steam train, which saves time and money and roundabout routes for the shipper. Second, the road which serves as a distinct military factor for the transportation of men, munitions, and supplies, primarily for mobilization, and possibly for actual combat in the—to-be-hoped unlikely—event of invasion of these shores.

At the present time the United States is concerned only with the first angle. Yet an invasion is always a possibility, though not a probability now. Three, even two, years ago it was a possibility, but not a probability that we should be drawn into the world war. We elected a President who had kept us out of war and barely six months later backed him to the utmost when he said we were at war. As roads can not be built in a day, and as mistakes in road planning are tremendously expensive to make, it is certain that, simply because the need of highways for defense purposes is not a present need, it would be foolish to ignore this possibility in any competent, well laid-out scheme of national road building.

Neglecting for the moment the creation of roads, or the improvement of existing roads, for purely defensive purposes, the pressing need of good roads for full utilization of motor trucks for war purposes is vital. The passenger car can negotiate bad roads if it must. The motor truck can not do so, with any degree of efficiency or profit. We have steel rails for cars simply to get a smooth passage for the wheels of freight and passenger vehicles. It is as impossible for a heavy motor truck to operate economically or efficiently over rough and bumpy roads as for a railroad to carry much freight over a poor roadbed.

We have borrowed heavily from England and France in war experience. It took England years to come to conscription—we did it in months. England and France developed their air resources slowly as the war progressed—we began a gigantic air program with the war

less than three months old. We have taken our allies' experience in troop training, in officer making, in trench fighting, in ordnance and field equipment—but what have we done to equal their road and truck development?

Trucks—yes, in quantity. But trucks for French roads, trucks for foreign service. We even proposed to put our trucks on freight cars to carry them from the factories to the ships, because—well, because the roads of this country are such apologies for real highways that, in prewar days, no one thought of trying to deliver a motor vehicle over the roads on which it must be run.

The fact that we had not cars and engines enough and that every line of steel rails to the coast was almost hopelessly congested changed this. Our trucks are running over roads from factory to coast and, so far from being hurt by it, our drivers, at least, are gaining valuable experience. But, though the war trucks are standard and able to bear the most severe usage, they can not carry the load or make the speed here which they can do and will do upon the roads of France.

Years ago England and France solved the highway problem by the creation of national road systems. These roads were built by the nation and maintained by the nation for the use of the nation. Not all roads, by any means, but a comprehensive system of roads running through all important centers, gridironing the country with ready means of communication. To these main roads local communities and the smaller political units built feeders, exactly as in this country, in the "good-road States," counties and towns appropriate money and build feeder roads to connect their localities with the State system.

Had it not been for her system of roads France would have been at a great disadvantage in her war work. Possessing a solid foundation of many good roads at the beginning, France keeps them up and repairs them as they are damaged. The motor truck is as vital behind the lines to the French as the wonderful system of railroads to the German frontier—a system developed by military brains of keen and clever vision long before the motor truck came into existence—is to the Germans.

So far we have done absolutely nothing. Those who point to the fact that we have a highways transport committee of the Council of National Defense do so without any real knowledge of what that committee is or does. It has done all and more than it was expected to do. It has worked faithfully and well and produced results, but its function has never been a road-building function—it is not concerned with the laying out of a system of roads, nor the building of a single foot of highway.

It has developed plans and put into operation agencies, looking to the utilization of roads which already exist. It has routed the war trucks and encouraged State councils of defense to work for motor-truck development. It has educated chambers of commerce and boards of trade to the need for a load-clearance bureau in commercial centers that no motor truck moves "light" over the roads. But what can one small committee, no matter how able, of an organization which is purely advisory in character, such as the council of defense, do toward solving the road problem? As well say we need not have a Quartermaster Department to supply soldiers with clothes because women are knitting socks.

The road problem of this country, from any angle—commercial, economic, social, military, defense, political, agricultural—is not a local issue. It can not be solved by the States. If every State in the Union should have as good a State road system as Massachusetts, national roads would still be a problem. When a man builds a path in his garden he builds it to go where he wants to walk, not where his neighbors wish to walk. When a town builds a road it builds it where the town wants it, not where the next town is best served. When a county builds a road it runs from one end to the county seat, not to serve the next county. When a State builds a road system it connects its important cities and makes it easy for its own denizens, without much thought for the man across the State line. When the United States builds roads, as a Nation, it must solve its difficulties by building a system which considers the country as a whole, not as a collection of political units with voters who must be placated.

It is customary to consider the road question from a viewpoint from which one man can see the horizon. Most road propaganda begins and ends with one road. We hear much of the Lincoln or the National Old Trails Road or the National Defense Highway of California. Every one is a worthy road, a road which ought to be what it is not. But the road question as a road question is infinitely bigger than any State, any single road, any single association of people banded together to "get" a certain highway.

The motor truck is to do for commerce what rural free delivery did for the mail. It will make it possible for the farmer and the merchant readily to exchange their respective commodities. The motor truck is to do, in the coming half century, what the railroad did in the last half century. The steam train took a thousand isolated communities, loosely knit under one government, and made them one in fact. The motor truck is to take a million farms and bring them into close touch with the city; it is to take a million merchants and bring them customers which they never knew before. It is to cut down the high cost of food, by cutting the greatest item of that cost—transportation.

Just before the war it cost more to ship a ton of wheat from farm to railroad than to ship the same ton from New York to Liverpool. It cost more to deliver freight from station to farm than to ship it from factory to station. And roads or the lack of them was responsible.

The road question, the truck question, is a national question. It has two great subdivisions—(1) where, and (2) what kind?

Neither question can be answered in a hurry. But both can be answered and must be answered soon. If we are not to see the greatest boon which science and invention have given to transportation restricted and made of small account by a penny-wise, pound-foolish policy, a narrow-gauged, peanut-politic viewpoint which wants to spend public money only where local benefits will bring local applause.

"Where?" is not difficult to answer. Everywhere eventually, but in the beginning a national road system must consist first of one, then two, then three or more great transcontinental roads from east to west—then half a dozen north and south lines. Later must come connections and additions and interstate roads, until we have perhaps 50, perhaps 100,000 miles of first-class, high-grade roads running from State to State, not merely, as with our present 100,000 miles of good roads, in circles within States.

"What kind?" The road builder has answered in a dozen ways in years gone by and is still changing his conclusions. MacAdam was years ahead of his age and years behind this one. The builders of the Apian Way knew more about building a road for a motor truck than MacAdam, strange as it may appear. It is the general opinion among road builders—an opinion greatly quickened and altered by the war—that the light stone road, be it surfaced or oil treated in what way you will,

is not the road to build in the face of the avalanche of motor trucks that is coming in the next few years. The motor car brought oil to the road as a necessity. The water bond, which worked so well with iron tires and iron-shod hoofs, is useless against the suction of the pneumatic tire. But the oiled stone road that holds the 3,000-pound car with ease will not carry the 5-ton truck and last.

There is to be a great revolution in road-building methods. The railroad has found that for heavy traffic it pays to use the heaviest steel rails and finest wood for ties, the best of broken stone, and plenty of it, for ballast. No railroad stops at the price per mile nowadays. Once built and well maintained the road will earn dividends.

We still look upon a highway which costs \$5,000 a mile as an expensive road, and \$10,000 a mile as a boulevard for cities. Yet the road of the future, the road which the motor truck will use without hurting it, the roads which the National Government must build as a national system, will cost twenty, thirty, perhaps fifty thousand dollars a mile. If the latter, and a national highway system of 50,000 miles is contemplated in a 20-year building program, then the total cost reaches \$2,500,000,000.

The cost of such a road program would be distributed over at least 20 years (all the engineers in the country could not build such a system in less time) and the roads would pay dividends as fast as built.

It is difficult to consider the subject and not drop to local angles. If you see the problem as a national question, if your experience or your knowledge leads you to view the motor truck as the ultimate transportation means for all except long hauls, if you see in it a coming commercial revolution, then you, too, must enlist in the national road army. You must become one of those who believe that Uncle Sam can not afford for his own sake, as well as for the sake of us, his children, much longer to delay in taking up and solving, as only he can solve, the road question—the question which is greater than the railroads, infinitely greater than the Panama Canal, and which, the war disposed of, must be the most pressing economic problem which this country has to face.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CHAMBERLAIN:

A bill (S. 5279) to authorize the resumption of voluntary enlistments in the Regular Army, and for other purposes; and

A bill (S. 5280) authorizing retirement of members of the Army Nurse Corps (female); to the Committee on Military Affairs.

By Mr. OVERMAN:

A bill (S. 5281) to donate one German gun to the city of Morganton, N. C.; to the Committee on Military Affairs.

By Mr. CALDER:

A bill (S. 5282) to amend subdivision 8 of the act to amend the naturalization law approved May 9, 1918; to the Committee on Immigration.

A joint resolution (S. J. Res. 207) admitting into the United States 35 puncheons of Gordon's sloe gin, ordered by E. La Montagne's Sons, of New York, before the passage of the food-control act prohibiting the importation of distilled spirits, the delivery of which was delayed on account of war conditions until after that act went into effect; to the Committee on Finance.

PROMOTIONS IN THE ARMY.

Mr. CHAMBERLAIN. Mr. President, I desire to introduce a bill which comes to me from the War Department to appoint any officer who now holds, or during the existing emergency has held, the grade of general or lieutenant general for the period of the emergency only to the same grade in the Army without such limitation of tenure, and I ask that it be referred to the Committee on Military Affairs.

The bill (S. 5278) to appoint any officer who now holds, or during the existing emergency has held, the grade of general or lieutenant general for the period of the emergency only to the same grade in the Army without such limitation of tenure was read twice by its title and referred to the Committee on Military Affairs.

Mr. CHAMBERLAIN. In connection with the presentation of the bill I desire to have printed in the RECORD a letter from the Secretary of War, as I am introducing the bill at his request.

The VICE PRESIDENT. Without objection, that action will be taken.

The letter referred to is as follows:

WAR DEPARTMENT,
Washington, December 21, 1918.

MY DEAR SENATOR: Under the provisions of section 3 of the act of Congress approved October 6, 1917, the President has appointed, by and with the advice and consent of the Senate, certain officers of the Army to the grades of general and lieutenant general. These officers, in order of rank, are:

Gen. Peyton C. March, Chief of Staff of the Army.

Gen. John J. Pershing, commander of the American Expeditionary Force, France.

Gen. Tasker H. Bliss (retired), former Chief of Staff, now military representative of the United States at Versailles and a member of the Peace Commission; has the brevet rank of general.

Lieut. Gen. Hunter Liggett, commanding First Army, American Expeditionary Force.

Lieut. Gen. Robert L. Bullard, commanding Second Army, American Expeditionary Force.

These officers have performed tremendous tasks involving the greatest responsibility in a manner which reflects credit upon themselves and upon the country and entitles them to permanent recognition. I believe that the sentiment of the country is strongly in favor of such recognition. At present the commissions of these officers as general and lieutenant general, while in the Regular Army, are for the period of the emergency only. I recommend that their commissions be made permanent, with the proviso that when any one of these officers vacates his commission the office shall lapse. The Judge Advocate General has prepared a draft of a bill which will accomplish this purpose, and which I inclose for the consideration of your committee.

Sincerely, yours,

NEWTON D. BAKER,
Secretary of War.

Senator GEORGE E. CHAMBERLAIN,
Chairman Senate Military Committee,
United States Senate.

COST OF EAGLE BOATS.

Mr. LODGE submitted the following resolution (S. Res. 404), which was read and referred to the Committee on Naval Affairs:

Resolved, That the Committee on Naval Affairs be, and is hereby, directed to make an investigation of the so-called Eagle boats, of the contracts made for said boats with the Ford Motor Co., and of the character and construction of said boats.

COMMITTEE ON MANUFACTURES.

Mr. VARDAMAN submitted the following resolution (S. Res. 405), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That Senate resolution 374, instructing the Committee on Manufactures to make inquiry into the coal situation, its production, transportation, and consumption, to require the attendance of necessary witnesses, the production of books, documents, papers, etc., be, and it hereby is, amended so as to authorize the employment of counsel to assist in the inquiry aforesaid.

ALLOTMENTS TO SOLDIERS' DEPENDENTS.

Mr. SPENCER. I offer a resolution requesting certain information, and, if there is no objection, I ask for its adoption at this time.

The VICE PRESIDENT. The Secretary will read the resolution.

The Secretary read the resolution (S. Res. 406), as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested, if not inconsistent with public service, to inform the Senate as to whether allotments made by soldiers in accordance with the regulations for those dependent upon them and payable in the months of August, September, October, and November last, have been paid, and if not, how many remain unpaid, and how soon the amounts due in the month of December may be expected to be paid.

Mr. THOMAS. Let me ask the Senator who introduced the resolution whether it refers to allotments made from salaries of soldiers to their dependents or to the salaries of the soldiers themselves?

Mr. SPENCER. The resolution refers to allotments which have been made by soldiers out of their salaries for their dependents.

Mr. THOMAS. Then, I would suggest that the request should be made to the Secretary of the Treasury. I understand that the War Risk Bureau is under the jurisdiction of the Secretary of the Treasury.

Mr. LODGE. It is under the Treasury Department.

Mr. SPENCER. My information is that the War Risk Bureau is under the War Department.

Mr. THOMAS. No; the Senator is mistaken.

Mr. SPENCER. I may be wrong. I will amend the resolution in the way the Senator suggests.

Mr. THOMAS. I do not object to the consideration of the resolution, but I suggest that it be amended by inserting the words "Secretary of the Treasury" instead of "Secretary of War."

Mr. SPENCER. I accept the amendment.

The amendment was agreed to.

The resolution as amended was agreed to.

THE PRESIDENT'S GUILDHALL SPEECH.

Mr. WILLIAMS. Mr. President, I wish to call the attention of the Senator from Massachusetts [Mr. LODGE] to some remarks lately made by the President of the United States at the Guildhall in London, which I consider a complete and very noble answer to all that has been said by the Senator from Massachusetts on that subject. I ask unanimous consent to have this speech printed in the RECORD.

The VICE PRESIDENT. Is there objection to the request of the Senator from Mississippi? The Chair hears none. The matter referred to is as follows:

WILSON SAYS TASK OF NATIONS IS NOT YET COMPLETED; ANXIOUS FOR PEACE WORK TO BE STARTED—IN SPEECH AT GUILDHALL PRESIDENT WARNS THAT SOLDIERS FOUGHT TO END OLD ORDER—MUST MAKE VICTORY'S RESULTS PERMANENT.

LONDON, December 28.

The text of President Wilson's speech at the Guildhall this afternoon follows:

"Mr. Lord Mayor, we have come upon times when ceremonies like this have a new significance which most impresses me as I stand here. The address which I have just heard is most generously and graciously conceived, and the delightful accent of sincerity in it seems like a part of that voice of counsel which is now everywhere to be heard. I feel that a distinguished honor has been conferred upon me by this reception, and I beg to assure you, sir, and your associates of my very profound appreciation, but I know that I am only part of what I may call a great body of circumstances.

"I do not believe that it was fancy on my part that I heard in the voice of welcome uttered in the streets of this great city and in the streets of Paris something more than a personal welcome. It seemed to me that I heard the voice of one people speaking to another people, and it was a voice in which one could distinguish a singular combination of emotions.

TASK NOT YET FINISHED.

"There was surely there the deep gratefulness that the fighting was over. There was the pride that the fighting had had such a culmination. There was that sort of gratitude that the nations engaged had produced such men as the soldiers of Great Britain and of the United States and of France and of Italy—men whose prowess and achievements they had witnessed with rising admiration as they moved from culmination to culmination.

"But there was something more in it, the consciousness that the business is not yet done, the consciousness that it now rests upon others to see that those lives were not lost in vain.

"I have not yet been to the actual battle field, but I have been with many of the men who have fought the battles, and the other day I had the pleasure of being present at a session of the French Academy when they admitted Marshal Joffre to their membership.

MARSHAL JOFFRE'S WORDS.

"That sturdy, serene soldier stood and uttered not the words of triumph but the simple words of affection for his soldiers and the conviction which he summed up in a sentence which I will not try accurately to quote but reproduce in its spirit. It was that France must always remember that the small and the weak could never live free in the world unless the strong and the great always put their power and their strength in the service of right.

"That is the afterthought—the thought that something must be done now; not only to make the just settlements—that, of course—but to see that the settlements remained and were observed and that honor and justice prevails in the world. And as I have conversed with the soldiers I have been more and more aware that they fought for something that not all of them had defined, but which all of them recognized the moment you stated it to them.

FOUGHT AGAINST OLD ORDER.

"They fought to do away with an old order and to establish a new one, and the center and characteristic of the old order was that unstable thing which we used to call the 'balance of power,' a thing in which the balance was determined by the sword, which was thrown in on the one side or the other, a balance which was determined by the unstable equilibrium of competitive interests, a balance which was maintained by jealous watchfulness and an antagonism of interests which, though it was generally latent, was always deep-seated.

"The men who have fought in this war have been the men from the free nations, who are determined that that sort of thing should end now and forever. It is very interesting to me to observe how from every quarter, from every sort of mind, from every concert of counsel there comes the suggestion that there must now be not a balance of power, not one powerful group of nations set up against another, but a single overwhelming, powerful group of nations, who shall be the trustees of the peace of the world.

MUST MAINTAIN PEACE.

"It has been delightful in my conferences with the leaders of your Government to find how our minds moved along exactly the same line, and how our thought was always that the key to the peace was the guaranty of the peace, not the items of it; that the items would be worthless unless there stood back of

them a permanent concert of power for their maintenance. That is the most reassuring thing that has ever happened in the world.

"When this war began the thought of a league of nations was indulgently considered as the interesting thought of closeted students. It was thought as one of those things that it was right to characterize by a name which, as a university man, I have always resented. It was said to be academic, as if that in itself were a condemnation—something that men could think about but never get. Now we find the practical leading minds of the world determined to get it.

EAGER TO GET TO WORK.

"No such sudden and potent union of purpose has ever been witnessed in the world before. Do you wonder, therefore, gentlemen, that in common with those who represent you I am eager to get at the business and write the sentences down? And that I am particularly happy that the ground is cleared and the foundations laid—for we have already accepted the same body of principles. Those principles are clearly and definitely enough stated to make their application a matter which should afford no fundamental difficulty.

"And back of us is that imperative yearning of the world to have all disturbing questions quieted, to have all threats against peace silenced, to have just men everywhere come together for a common object. The peoples of the world want peace, and they want it now, not merely by conquest of arms but by agreement of mind.

FORCED TO BREAK PRECEDENT.

"It was this incomparably great object that brought me overseas. It has never before been deemed excusable for a President of the United States to leave the territory of the United States; but I know that I have the support of the judgment of my colleagues in the Government of the United States in saying that it was my paramount duty to turn away even from the imperative tasks at home to lend such counsel and aid as I could to this great—may I not say final—enterprise of humanity."

AMERICAN FORCES AT BREST, FRANCE.

Mr. NEW. I ask for the consideration of the resolution which I offered on yesterday.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution (S. Res. 403), as follows:

Whereas reports having reached the United States and having been given currency by publication in the columns of the newspapers to the effect that unwholesome, insanitary, and unnecessarily discomforting conditions exist in the camp occupied by the American Expeditionary Forces at Brest, France: Therefore be it

Resolved, That the Senate Committee on Military Affairs be authorized and directed to investigate the same and to report its conclusions to the Senate, together with such recommendations as it may see fit to make concerning the condition reported.

Mr. THOMAS. Mr. President, I understand that the War Department is about to furnish some information with regard to the subject matter of the resolution of the Senator from Indiana. I think therefore that we can make time by postponing the consideration of the resolution until that information can be received. For that reason, and for that reason only, I object to the consideration of the resolution at this time.

The VICE PRESIDENT. The resolution is entitled to consideration. That is the present difficulty.

Mr. THOMAS. Then, Mr. President, I move that the resolution be referred to the Committee on Military Affairs.

The VICE PRESIDENT. The question is on the motion of the Senator from Colorado, that the resolution be referred to the Committee on Military Affairs.

Mr. THOMAS. On that motion I ask for a division, Mr. President.

The question being put, on a division the motion of Mr. THOMAS was agreed to; and the resolution was referred to the Committee on Military Affairs.

The VICE PRESIDENT. Is there further morning business? If not, morning business is closed.

LEAGUE OF NATIONS FOR PEACE.

Mr. LEWIS. Mr. President, some days ago I announced in the Senate that on the first legislative day convenient I would submit some remarks replying to certain criticisms of the eminent Senator from Pennsylvania [Mr. Knox], and particularly from the eminent Senator from Massachusetts [Mr. Lodge]. Had I been present when the Senators made the observations to which I shall address myself now, I would have made such reply as I felt they justified at that time. I was ill when one spoke, and happened to be at my home in Chicago when the other addressed the Senate.

Mr. President, these announcements that one Senator will reply to another Senator are merely given, as I understand, that the Senator to whom the reply is addressed may have notice, be present if he chooses, and pay heed by any form of opposition or contradiction he desires to indulge as against the views of the opposing speaker. It is oftentimes, I believe, regarded, however, something of a courtesy to the Senate that those interested in the particular subject to which that Senator shall address himself may be present if they so incline. Out of respect to that courtesy Senators have invariably yielded to those who have made the announcements. For this concession to me, I express my appreciation to those who do so in my behalf.

Of course, views expressed by Senators upon questions that are now prevailing are not generally, sir, in the direct and complete line of reply to all of the matter urged by any other Senator, such as applies to legal argument, or in the general discussions of economic subjects in forums or lyceums, or, indeed, upon the general hustings. There are always, apart from the general discussion, some few things to which men have addressed their soul's conviction. Wherever these are assailed, or even opposed, those who advocate them come to the defense for two purposes. One is that the subject itself may be clarified and understood from all the points that can be addressed to it. The other is that the advocate may vindicate his convictions by disclosing such matters as justify his previous expression, or that negative and dispose of the assaults made upon it. That, sir, is the particular office, so far as I assume at all, that I enter upon now.

Sir, it may be recalled that I addressed this body some weeks ago at some length when I opened the discussion—opened it in the sense that I merely preceded other Senators—covering the doctrine of a league of nations as an agency to establish peace in the world. I there, Mr. President, set forth—as you will recall, sir, having honored me at that time with your presence as Presiding Officer, as you are honoring me now—past history, as it came to my mind and as I had gleaned from industry, touching organizations of that nature as far back in point of time as I felt appropriate. I there went into the whole field of the proposal as I understood it. I set forth the plan as I felt it could be now devised and executed.

I anticipated certain objections which were then urged to the system, and some I replied to, particularly those which had been expressed by eminent Senators on the floor. This opposition being led on the Democratic side—led in the form of chief spokesman up to the present time—by the capable Senator from Missouri [Mr. REED] and led on the Republican side by the able Senator from Idaho [Mr. BORAH].

Mr. President, at this particular occasion I wish to make refutation, possibly not entertaining in the manner of their presentation because partaking of a legal phase, to the positions which have been taken by Senators on the floor by questioning the feasibility of the President's undertaking, the other charging it to be one in violation of the ethical duty the President owes the Senate, and accusing it as being undertaken by him in direct contravention of what the eminent Senators have said was a privilege which the Senate enjoyed, first, to have these matters submitted to it for advice and consent.

Then, sir, I wish to allude to the position taken by these eminent Senators, and to demonstrate what I here most respectfully insist that the very argument they offer as opposition, instead of disproving the practicability of the design assumed, demonstrate its feasibility and its necessity.

Mr. President, at the outset let this be understood: That I am not aware of any particular plan of conceit devised in the mind of the President or of his supporters to be presented in a proposal and executed in completeness, separate from some other one's views, in furtherance of the object. It is not methods specifically upon which the President, I fancy, has any pride of opinion; it is not specific systems of administration in arriving at a conclusion in which there is tenacity of intention that will not brook amendment from any friendly source that would tender it.

Then, sir, the object in view is the obtaining of some form of consent between nations who will contribute their service, their time, and their purpose to the principal object of procuring some kind of an agreement among these people upon which there can be based the assurance of peace among the civilized nations of the world, upon which there may be constructed some form of an arrangement or organization through which all disputes arising between intelligent men and Christian peoples might be heard and disposed of without being rudely submitted to the bloody arbitrament of war with its desolating results. Sir, for want of better description of the design it is designated as a league of nations to effect peace.

Then, sir, to achieve the object announced is the sole purpose of the President. To prevent the repetition of these unspeakable calamities, these indescribable horrors, these unnamable atrocities, to which civilization has at last descended, and in the name of Christianity perpetrates and endures, is alone the purpose to which the President bends his energies, and which, as I sincerely believe, the heart of his country indorses. Yet, sir, there arises opposition from this floor, as from other places, stimulated, as I am compelled to charge, by no motive of aiding the President, with no purpose of tendering some scheme or policy as a substitute to achieve the same end in view, but with the single object, as everyone must behold who views the transition of late, of serving petty political partisan purposes. These, to my judgment, sir, are too rude to have been intruded upon a discussion touching so solemn a subject as the universal peace of mankind. From Senators, such as the Senator from Missouri [Mr. REED] and the Senator from Idaho [Mr. BORAH], who constitutionally feel that the success of the enterprise, however far it may go, transcends a fundamental theory of government, which will work, as they insist, a greater evil to the country in its final results than the benefits to be enjoyed—there we can understand a basis of opposition. But for myself I can not understand, far less adopt as excusable, a basis which in itself has the sole purpose of confusing the undertaking that it might fail and embarrassing the purpose in order that it may be defeated, discrediting the President that he may stand humiliated before the world—all in order to capitalize the wreck of the project for political advantage in party contests; but, sir, I can no longer conceal to myself, nor could I be true to my emotions, if I did not express that such seems the intended object from every source disclosed. Sir, if I am correct in this conclusion, I denounce the purpose as unworthy of its authors as it is cruel to the project.

Sir, then, do we marvel that we find in the foreign papers touching, for instance, the speeches of the Senator from Pennsylvania [Mr. KNOX] and the Senator from Massachusetts [Mr. LODGE], something as follows:

The Paris newspapers have published summaries of Mr. KNOX's remarks, and much oral comment has been made on the obvious difference between President Wilson and his fellow commissioners on the one hand and leading American Senators or the other.

It is pointed out by those aware of the condition of mind of the American delegates that it is perhaps not appreciated in America what great stress is laid by European statesmen on differences of this character. By some the situation is regarded as placing the President in the light of not having the support of his own countrymen.

The President is encouraged in his attitude by the knowledge that Lloyd George and other members of the British ministry heartily favor the league of nations as a method of preventing future wars.

In face of this, however, the fear exists that the course outlined by Mr. KNOX, which is construed as that of the Republican Party in the Senate, will encourage the opponents of the league.

Then, sir, in another able paper from abroad, we read this, referring to the speeches of the Senators to whom I have alluded:

The manner in which this and similar news dispatches from America are "played up" by certain papers here is indicative of how closely French opinion is watching for the slightest sign of lack of support for President Wilson in his own country.

It is impossible to overemphasize the fact that the President's delicate course in the next few weeks may be imperiled, if not actually wrecked, by unconsidered opposition along partisan lines or loose discussion of the alternatives of his outlines on world peace.

Mr. President, I do respectfully contend that the concurring assaults by certain leaders of the Republican side upon everything that President Wilson has attempted in Europe, and in refusing to approve anything undertaken, discloses a conspiracy to discredit him and to defeat any design he enters upon by giving the European negotiators to understand that the Senate is opposed to the President. That it objects to his measures and that it is speaking with the power to revise, reverse, and repudiate him. The object is to prevent the President from accomplishing anything. The purpose of this is that when these assailants have dishonored his errand and defeated his objects they may then cry to the American public: "The President is a failure—his mission is a failure—his failure has made America ridiculous, has lost for the United States all the fruits of the war, and made a mockery of the sacrifices of blood and lives of its children."

This would make the presidential issue, and this, I charge, is the political purpose of certain eminent leaders who assail with constancy of time and method everything the President is doing to secure peace and to bring forth full results from the victory obtained by the United States in her participation with the allies. Mr. President, I do not object to the Senator from Massachusetts [Mr. LODGE]—or Mr. KNOX, of Pennsylvania—qualifying for the

support of Col. Roosevelt and his following for the nomination for President by first catching the expression of opposition of the colonel, and then echoing "so say we all of us," but I do object to the country being deceived as to the design, and the President of the United States dishonored by false patriotic pretenses to accomplish the purpose.

Sir, I offer proof of this charge by calling to the attention of the American public that not one of these gentlemen who have criticized each course of the President and condemned each action and the omission of any action has ever approved any one thing the President has undertaken or expressed since he began his mission in Europe. Nothing he has said has received their indorsement. Not even a wish for a successful journey through which his life might be preserved from the perils of the sea has been voiced, nor speech or line of his addresses in praise of his own country, her history, or her noble sons, has ever received indorsement; nor one expression of gladness or pleasure for the welcome, the cheer, and the reception given him in behalf of America. Nothing he has attempted but is condemned; nothing he has spoken or entered upon has been praised or indorsed. Surely the American public will not be deceived as to the meaning of this remarkable spectacle. Surely they will recall that in no venture heretofore in the whole history of America, where our President has dealt with foreign representatives, whether upon foreign soil, in our own continent, or by negotiations, but what there has been some expression of encouragement and approval of something that particular President had undertaken in behalf of this country. The American public must reflect upon the reason of this remarkable exception that is presented in the record and conduct, actions and speeches of admitted leaders of the party called Republican in their attitude to this particular President and to the great and responsible undertaking he has assumed.

Mr. President, I now charge that the views of the distinguished Senators who made the assault upon the policies of the President, opposing what he is doing, and demanding him to do other things that he is not doing, are in direct opposition to the views that these same Senators have expressed upon similar subjects upon previous occasions. I now charge that the assault is for the purpose of convincing the European negotiators that if they accept the position presented by the President, the Senate will overthrow it. By this it is presumed that the European negotiators will take license to defeat the President in what he proposes, and can put their reasons for doing it on the ground that they are serving interests of the American people represented by the Senate which are opposed, as they will say—as shown by the views of the Senate—to what the President proposes—"mark the devious track of error's way."

Mr. President, this brings me, then, directly to the point of the first accusation. The Senator from Massachusetts [Mr. LODGE] by his criticism would have the country believe that the President of the United States had violated some established law that was a part of the organization and institutions of the Republic in not submitting to the Senate the different movements he was taking with a view of bringing about a league and the doctrines he was presenting. The Senator would have the country assume that the President was now violating acknowledged precedents and committing an offense against the dignity of this body and its rights. The Senator would have the Nation believe, and from his honored and experienced place he would instruct it to believe, that the failure of the President first to seek advice in consultation with the Senate in the entry upon the subject matters he has gone upon was an indication of a despotic nature, an indifference to the rights of the body compatible only with a dictator or a tyrant.

Mr. President, it is here, sir, that I wish to assert that no one knew better than the distinguished Senator from Massachusetts—and I trust he may conclude his lunch early, which he is taking in the room below, and do me the compliment of hearing some views that I shall address to his utterance, of which the learned Senator, I believe, has notice. Of course I am not complaining that my eminent friend cares to take that which is more stable than that which I could "feed out"—I was about to say—and let me follow consecutively—that none knew better than the able Senator that the position he took would mislead the people of his country and guide them to the belief that the President of the United States is violating his duty, and incite them to believe that the President was ignoring the people's representatives in a matter in which the law imposed on him a contrary obligation. No one knew more than the distinguished Senator that the effect of his charge was to invite Europe and the peace commissioners to believe that such was the course of the President and that for such in this body he was looked upon as visiting contumely upon the Senate.

No one knew more than the astute Senator that that would at once induce to the minds of the commissioners abroad to reflect that, with an attitude of mind on the part of the Senate produced by such conduct of the President, an opposition to whatever he attempted to do in the Senate was so certain as to assure its defeat. The whole policy of the distinguished opponents, barring a few, is to have the purpose, as I view it, of infusing into the minds of the negotiators in Europe the belief that whatever the President shall undertake will be defeated here; that he is discredited in his own country, and that his proposals if adopted will be repudiated by the Senate. Therefore, *cui bono*—what good—why do anything? But it did more, and its purpose went further. It was in its effect to license his opponents in every part of the world in any kind of opposition they would brood and authorize them to any form of contention it would be to their profit to present.

Then, sir, to this object or to this effect the Senator from Massachusetts in his speech proceeds to make the assertion that the President has violated some duty due to his Government in not bringing the Senate at once into consultation in connection with these diplomatic affairs he has initiated, and at every step and every utterance demanded communication with the Senate before he reaches a conclusion or presents one. The Senator in his speech proceeding to make this assertion as to the right of the Senate and the wrong of the President when interrupted by the alert Senator from Wisconsin [Mr. LA FOLLETTE], seeking information, and the following transpired:

Mr. LODGE. I yield to the Senator from Wisconsin if what he has is different.

Said the Senator from Massachusetts in his speech of December 21. Then the Senator from Wisconsin read a quotation that was then in his hand from the work on Constitutional Government in the United States by the President, as follows:

One of the greatest of the President's powers I have not yet spoken of at all—his control, which is very absolute, of the foreign relations of a nation. The initiative in foreign affairs, which the President possesses without any restriction whatever, is virtually the power to control them absolutely. The President can not conclude a treaty with a foreign power without the consent of the Senate, but he may guide every step of diplomacy; and to guide diplomacy is to determine what treaties must be made if the faith and prestige of the Government are to be maintained. He need disclose no step of negotiation until it is complete, and when in any critical matter it is completed the Government is virtually committed. Whatever its disinclination, the Senate may feel itself committed also.

Then it was that the Senator from Massachusetts, replying to the mere quotation which the Senator from Wisconsin read, said, in subtle satire—

Let timid souls then take courage and be cheerful.

Now, no one better knew than the Senator from Massachusetts—I except the Senator from Wisconsin, who has been very busy upon the committee to which the Senator from New Mexico [Mr. JONES] referred a moment ago, which must have occupied every minute of his time—no one, I say, knew better than the Senator from Massachusetts who insinuated the suggestion that there was something radically wrong and presumptuous in that assertion by the President in his earlier work as historian before he was President in describing the power of the President in international affairs—that the writer Wilson was absolutely correct. There is no better scholar to be found in government anywhere than my distinguished friend, the senior Senator from Massachusetts. No one could have known better than he that the part of that extract quoted was not Mr. Wilson's invention, but was a part of a quotation from John Marshall, uttered before he was Chief Justice of the Supreme Court of the United States. It is the centralized doctrines of government stated by Marshall, I must insist, that has ever been the key to the political progress of the distinguished senior Senator from Massachusetts [Mr. LODGE].

Sir, I regret that the senior Senator from Massachusetts remains absent from the floor. I should be glad if some one would call him from his solitary isolation behind the cloak-room doors and again let him know I would welcome him to hear me from the inside of the Chamber, rather than as a "peek a-boo" from the side room.

Mr. President, I now, sir, wish to say that I not only oppose the views of these eminent Senators, as voiced by the Senator from Massachusetts, but here I assert another doctrine, sir, omitted by them, but which I do not feel they will contest when it is mentioned. It is that as to matters upon which the President of the United States is now engaged the Senate has nothing whatever to do. The President is neither called on to communicate them nor to take their advice, to be guided by their judgment, or to be deterred by their threats of repudiation. The President of the United States as he is now situated still stands as the Commander in Chief of the Army. Until peace is abso-

lately declared, the protocol agreed upon, and an understanding for the withdrawal of the Army is reached, he remains as Commander in Chief arranging the protocol of peace. In this he is neither subject to this body in the beginning of his arrangement nor at the end. It is not, sir, until he has made an agreement that reaches the dignity of a treaty and which puts obligations upon the United States in some form that he is called upon to submit his action or its result to this body at all. While he, sir, is negotiating as Commander in Chief he is serving in his sole province, and performs an office which he by law conducts according to his judgment and discretion as the circumstances of each case justify and call for.

Mr. President, referring for the moment, then, sir, to this quotation from the President, which is taken exception to by the distinguished Senator from Massachusetts—

Mr. KING. Mr. President—

The PRESIDING OFFICER (Mr. KENDRICK in the chair). Does the Senator from Illinois yield to the Senator from Utah?

Mr. LEWIS. I should like to yield a little later if the Senator wishes to interpolate me on this point, when I reach the end of the citations in support of it.

Mr. KING. It was as to the point that the Senator had just discussed, and, if he has concluded it, I wish to ask a question, but if the Senator prefers, I will not do so.

Mr. LEWIS. I will yield to the Senator in a moment at a point where I think he can address his interrogatory without interfering with the consecutive order of the citations, and then from those probably there will be the light thrown upon the matter concerning which he expects to ask.

The Senator from Massachusetts, in his speech of condemnation of the President's course, proceeded to say, Mr. President:

In the present unparalleled situation the right of the Senate to advise as to a treaty becomes a solemn, an imperative duty.

The Senator refers to and then itemizes many treaties which have come before the Senate which the Senator says the Senate has refused to ratify, and has held without action. Many others have been vitally amended, he says.

The allies should not be kept in the dark as to the views of the Senate, nor should the Senate keep silent as to its own opinions or as to the wishes and demands of the American people.

Says the Senator:

I repeat that I should be glad if those debates could be supplemented by some definite resolutions expressing the views of the Senate tersely and simply on some of the most important points. Whether the Senate will take such action—although I know that we have very definite opinions—I can not tell, because there seems to be a feeling among some Senators that it is an act of intolerable audacity for the Senate even to suggest to the Executive that it has opinions which ought to be considered. Personally I do not share that view. It appears to me more becoming to an autocratic government or to a dictator than to the constitutionally representative democracy which has thus far made the Government of the United States so successful and which has raised the country to the peak of greatness to which it has attained. But if the Senate is not ready to take action as a body, which I earnestly hope they may determine to do, I desire at least to express my own views of the situation.

Mr. President, it is at this point that I wish likewise to express the view of the Senator from Massachusetts of the situation when this exact question as to whether Congress had the right to give its view to the President to be followed in diplomatic matters was before this body in January, 1917, upon a resolution presented by the Senator from Nebraska [Mr. HITCHCOCK]. The Senator from Massachusetts then opposed the position he now assumes. The resolution, sir, was to approve the President for his message, and to tender the President the advice and approval of the Senate upon it. The peace message, presented in many forms, many doctrines—now urged by the President—among which was the suggestion of a league, the establishment of small nations aspiring to individual existence, and the general theory of a democracy as it should apply to those lands when resuscitated from war.

The Senator from Massachusetts opposed that resolution, and in his opposition the Senator said that which the President of the United States had quoted in his book—part of it—from John Marshall. Here is what the Senator from Massachusetts then said, when the resolution was presented by a Democratic Senator on this side to approve Wilson, and to give him instructions preparatory to the confirmation of whatever might happen in that peace arrangement for which we had tendered our good offices. The Senator from Massachusetts—I read from page 833 of volume 54 of the CONGRESSIONAL RECORD of January 4, 1917—says:

My objection to this resolution, Mr. President, is that there is no occasion whatever for it. The President is intrusted with the care of our foreign relations. Negotiations are in his hands. He is conducting them. When he needs our cooperation and assistance he should lay before us all the facts which have guided him.

Well, sir, who should better know when he needs it than the President himself? Who, sir, is the one to feel that need but

the President himself? And to whom, sir, shall it be left to say when that need arises but the President himself?

Then says the Senator from Massachusetts:

But until that time comes the Congress of the United States ought not to project itself into the field of negotiations and thrust itself forward into the dangerous field of European politics.

Mr. President, when that time comes; yes. Therefore we must assume that when that time comes—that is, when the President needs the counsel of the Congress or when in his judgment it is necessary; when it is appropriate—he will submit his request; but, as the Senator from Massachusetts so wisely then said, until that time comes the Congress should not project itself upon his foreign negotiations. Yet the able Senator from Massachusetts will now have the country understand that because the President of the United States, in January, 1919, in Europe, is following his advice given in January, 1917, at Washington, he commits a great offense to the decencies of the situation, to the amenities of this body, and to the rights of the country. Mr. President, I do not demand of men that they be consistent with their expressions; I only demand they be consistent with their sincerity.

Mr. President, the Senator from Massachusetts is well sustained in his view as in 1917 he expressed it. In support of my doctrine I may be pardoned for imposing upon the Senate a few citations. I call attention to Crandall's Compilation upon Treaties, referring to John Marshall's speech in the House of Representatives March 7, 1800:

To the President is intrusted the exclusive power of communication with foreign States. "The President"—

Mark the words, sir—the President's expression in his book, which the distinguished Senator from Massachusetts would have assumed to have regarded as wholly original as an assumption of Wilson—

The President is the sole organ of the Nation in its external relations, and its sole representative with foreign nations.

Mr. President, then, sir, I call attention to the following:

"Agreements involving the military power of the President": The executive power is by the Constitution vested in the President. He is also the Commander in Chief of the Army and Navy of the United States. As incident and necessary to the exercise of these powers, as also of the power of negotiation, temporary arrangements and administrative agreements are frequently made by the President with foreign governments, which are not submitted to the Senate for its approval.

Then quoting John C. Spooner, a former eminent and learned Senator of this body:

It—

The conduct of foreign relations—

involves intercourse, oral and written, conferences, administrative agreements and understandings, not included in the generic word "treaty," as used in the Constitution. All treaties are agreements, but all international agreements and understandings are not "treaties."

Now, Mr. President, we turn for a second, sir, to Willoughby upon the Constitution, volume 1, reading a short passage from section 198 upon the distinction that I present to the body:

This power, then, of the President to enter into international arrangements free from the necessity of obtaining the subsequent approval of the Senate may be treated under the following heads:

1. His power inherent in him as the Chief Executive and Commander in Chief of the Army and Navy.

The term "protocol," as used in international law, has ascribed to it several meanings.

1. As describing the records of the meetings of commissioners for the negotiation of a treaty. These records, though, of course, not parts of the treaty finally entered into, are often of value.

2. As describing an agreement reached between the foreign offices of two countries, which has been reduced to definite written statement.

The most common use to which protocols in this sense are put is in fixing the general terms in which a final treaty—especially a treaty of peace—is to be negotiated. A recent example of this is the protocol of 1898 providing for the appointment of a commission to negotiate the treaty of peace with Spain.

The constitutional authority of the President without consulting the Senate to enter into protocols of agreement as the basis for treaties to be negotiated is beyond question and has repeatedly been exercised without demur from the Senate.

Mr. President, it is this point to which I now wish to call attention:

The able Senator from Massachusetts alluded to an article he himself had written—and if I recall that article, as I think I do, it was in September, 1902—contributing, as he often does, the fecundity of his pen, if we may so speak, to Scribner's Magazine. The article was to designate the articles or treaty upon which the Senate of the United States had a right to be heard and had been consulted upon. The able Senator included this article in his address the other morning, and presented it as a record of the conduct and doings of the Senate of the United States, and would, if it were left alone, have presented to the country that there were no exceptions to that which the Senator from Massachusetts presented. It would have left the

country to deduce from the document printed and to be further printed, because the junior Senator from Minnesota [Mr. KELLOGG], I see from the RECORD, moved the privilege of having more copies of the document printed for the use of the Senate—that the rule there set forth was universal and uniform, without exception, and that anything to the contrary—conduct of any President dealing in international matters—was a violation of the fundamental law of our land.

What were they? They were the references to different treaties that have been negotiated from time to time and submitted to the Senate ultimately for its confirmation. But, Mr. President, the notable exceptions, applicable specifically to the case in hand, were omitted by the distinguished Senator in his discussion here on the floor. It is these, sir, which I respectfully bring to the attention of the Senate, that their application may now, sir, be understood.

Mr. President, I ask now to impose upon the Senate the specific instances occurring in our Government exactly parallel to the one in hand. I mean as literal precedents established for the guidance of Presidents—under our laws and Constitution—and by which President Wilson is guided, and under which he acts and is vindicated.

Mr. McLEAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Connecticut?

Mr. McLEAN. While the Senator is on that subject, may I interrupt him for a moment?

Mr. LEWIS. Yes; I yield. I owe it to the Senator from Utah [Mr. KING] to yield to him, but I yield to the Senator from Connecticut.

Mr. McLEAN. May I interrupt the Senator long enough to call his attention to the fact that the President of the United States has expressed himself very freely upon this subject. He has anticipated precisely the situation which now seems to trouble the Senator from Illinois and his colleagues.

Mr. LEWIS. Nothing troubles the Senator from Illinois as to this matter, I may add.

Mr. McLEAN. And he has prescribed a method by which the Senate may defend itself against the encroachments of a too self-sufficient Executive.

I call the Senator's attention to Mr. Wilson's work on Congressional Government, not Constitutional Government, and I read from page 232:

The greatest consultative privilege of the Senate—the greatest in dignity, at least, if not in effect upon the interests of the country—is its right to a ruling voice in the ratification of treaties with foreign powers.

And on page 233 he continues and says:

His only power—

That is, the only power of the President—

of compelling compliance on the part of the Senate lies in his initiative in negotiations, which affords him a chance—

And I should like the Senator from Illinois to mark this language—

affords him a chance to get the country into such scrapes, so pledged in the view of the world to certain courses of action, that the Senate hesitates to bring about the appearance of dishonor which would follow its refusal to ratify the rash promises or to support the indirect threats of the Department of State.

And again,

The Secretary of State may confer with its chairman—

That is, the chairman of the Committee on Foreign Relations—

Or with its more influential members. But such a mode of conference is manifestly much less than a voice in the deliberations of the Senate itself, much less than meeting that body face to face in free consultation and equal debate.

And here we have the remedy prescribed by the President himself:

There seems to have been at one time a tendency toward a better practice—

That is the practice which I have quoted and which has been condemned by the President.

In 1913 the Senate sought to revive the early custom, in accordance with which the President delivered his messages in person, by requesting the attendance of the President to consult upon foreign affairs.

I think, Mr. President, we may safely assume that the President will adhere to this view, this advice which he gave when his intellectual processes, I may say, were unencumbered with millennial visions or world-wide political aspirations, and that all in due time he will indicate that an invitation from the Committee on Foreign Relations to appear before that committee and disclose his purposes and intentions before he commits this country will certainly be most agreeable to him and that he will not think of speaking for this country or committing it to any terms of peace or league of nations until he has at least given the Senate an opportunity to review his position.

Mr. LEWIS. Mr. President, I trust that other Senators may indulge the same confidence in the President of the United States being both sensible and consistent as does the Senator from Connecticut. I would only hope, sir, that with the belief in such a view some of them would have avoided the exhibitions of other attitudes that so debase, as I see it, sir, the patriotism of men.

Mr. WATSON. Mr. President, in that connection will the Senator yield?

Mr. LEWIS. I yield to the Senator from Indiana.

Mr. WATSON. Of course, we all understand that by the provisions of the Constitution the President has the power, by and with the advice and consent of the Senate, to make treaties. I should like, in order to get the Senator's views, to have him state to the Senate when the right of advice on the part of the Senate begins. That is to say, is the treaty to be completely formulated without the Senate having any right to advise with the President with regard to it?

Mr. LEWIS. I say here to the Senator, the right of the Senate to advise is a privilege. I have no doubt that any President would be glad to have it. But the meaning of the Constitution is that when a treaty has actually been made by the President in the discharge of his privilege in the control of our foreign relations, then, and only then, is he obligated by law to submit it to this body, for the reason, as the Senator must readily realize, that the Constitution invests in this body the privilege to advise and consent to a finished thing—the treaty.

If it were called on to advise and consent as to each given moving particle, we never would reach a conclusion of anything, because the different steps would be intercepted without the knowledge of the other thing that may be in the mind of those participating, and which, when done, might have removed the very objection which the Senate might have urged against that part that alone was presented for its consideration.

If the Senator will endure with me for a while, I will quote himself as evidence fortifying this position I take.

But I now ask the Senator's attention to the history, sir, which, as I said, the able Senator from Massachusetts had omitted; that as Commander in Chief the distinction is, in the negotiation of peace from that which applies as President of the United States in the ordinary treaty, in the civil undertakings of our country.

On January 20, 1905, there was signed at Santo Domingo City, by Commander A. C. Dillingham, United States Navy, and Mr. Dawson, the American minister, on the one part, and by the Dominican minister of foreign affairs on the other, a protocol under which the United States was to guarantee the integrity of the Dominican territory, undertake the adjustment of foreign claims, administer the finances on certain lines, and assist in maintaining order. As it was stipulated that the arrangement should take effect February 1, the inference was widely drawn that there existed an intention to treat the protocol as a perfected international agreement without submitting it to the Senate. Such an intention was soon afterwards disclaimed by the administration; but the incident resulted in the raising of the broad question as to the power of the President to enter into international agreements of any kind without the advice and consent of the Senate; and the discussion was soon found to involve the second article of the arbitration treaties. By this article, as we have seen, it was provided that the President should in each individual case, before appealing to the permanent court of arbitration, conclude a "special agreement," defining the matter in dispute and the scope of the arbitrators' powers, and fixing the periods for the formation of the arbitral tribunal and the several stages of the procedure. As announced in the press, the position was taken by Senators that the "special agreement" required in each case must be in the form of a treaty, duly submitted to the Senate for its advice and consent.

The President, on the other hand, took the ground that the arbitration treaties, if approved by the Senate and afterwards ratified, would in themselves constitute complete legislative acts, which it would be within his powers as Executive to carry into effect as occasion might arise; and that, if a new treaty were required in each particular case, the general treaties would fail to accomplish their primary purpose and would in reality constitute a step backward rather than a step forward in the development of the practice of international arbitration by the United States. These views the President embodied in a letter to Senator Cullom, which was in the nature of a protest against the position which Senators were understood to have taken. On receiving this letter, the Senate, with only seven dissenting votes, immediately amended the treaties by striking out of the second article the word "agreement" and substituting for it the word "treaty," so that it would be necessary in each individual case before proceeding to arbitration to conclude a special "treaty," defining the matter in dispute and the scope of the arbitrators' powers, as well as fixing the periods for the formation of the tribunal and the several stages of the procedure. When the treaties as thus amended were returned to the President it was announced that he would not submit them in their amended form to the other governments concerned, but would consider the action of the Senate as constituting in principle a disapproval of them.

As the record stands, issue was thus joined on the broad question whether it is within the power of the President to conclude any "agreement" or, at any rate, any arbitral agreement, with a foreign power without the advice and consent of the Senate. As regards this question, the President appears upon the affirmative side and the Senate apparently upon the negative. No doubt, if the subject had been further discussed, the issue might have been brought within narrower limits. It will not be pretended by anyone that the President can

make any and every kind of an international agreement without the co-operation of the Senate, for the Constitution expressly requires that "treaties" shall be made by him "by and with the advice and consent" of that body, signified by the approving vote of two-thirds of the Senators present. On the other hand, it can easily be demonstrated that the word "treaties," as used in the constitutional law of the United States, does not embrace any and every kind of international agreement.

Now, for a moment I wish to bring the illustration to hand. I invite the attention of the Senate to the instance of the agreement of 1817 for the limitation of naval armaments on the Great Lakes. I ask the privilege of incorporating in my address, sir, the full description of that agreement and its related companion instances.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

The agreement of 1817, for the limitation of naval armaments on the Great Lakes, was made and carried into effect by the Executive, though it was afterwards submitted to the Senate. By a protocol signed at London December 9, 1850, by Abbott Lawrence, American minister, on the part of the United States, and by Viscount Palmerston, on the part of Great Britain, it was agreed that the British Crown should cede to the United States Horseshoe Reef, in Lake Erie, and that the United States should accept it, on the conditions of erecting a lighthouse there and maintaining no fortifications. On receipt of the protocol Mr. Webster, as Secretary of State, on January 7, 1851, instructed Mr. Lawrence to acquaint the British Government that the arrangement was "approved" by the Government of the United States. This Mr. Lawrence did on the 17th of the succeeding month. Congress made appropriations for the erection of the lighthouse, which was built in 1856. The validity of the title thus gained will hardly be disputed. The cession, which the Executive had arranged, having been adopted by Congress, the territory came completely within the jurisdiction and control of the United States without any "treaty." We hold the Hawaiian Islands by no better tenure. Two successive attempts to annex them by treaty having failed, they were acquired under a joint resolution of Congress. Texas also was annexed by a joint resolution, but as it was at the same time admitted as a State, it stands in a legal category distinguishable from that of Hawaii.

In 1882 an arrangement was effected between the United States and Mexico, by means of an exchange of notes, for the reciprocal passage of troops of the two countries across the border when in pursuit of hostile Indians. On June 25, 1890, an agreement, in the form of a protocol, was entered into on the same subject, and this agreement was from time to time renewed with amendments. The Federal troops of the two countries were permitted to cross the international boundary in pursuit of certain hostile Indians in the uninhabited and desert part of the line, which were defined as "all points that are at least 10 kilometers distant from any encampment or town of either country." It was expressly stipulated that no such crossing should take place between two certain specified points. There were various other provisions requiring notice of crossing to be given, if possible, and permitting the chastisement of other hostiles whom the troops might chance to meet.

Mr. LEWIS. Mr. President, I now ask the Senate's attention as approving the position of the President and as justifying his course in precedent. My recital of late history—political, military, and diplomatic—exactly fitting in parallel the circumstances now applying to the President's action now proceeding in Europe.

One of the most important agreements ever made by the Executive without submission to the Senate was the peace protocol with Spain of August 12, 1898. By this protocol provision was made for a general armistice between the two countries. This stipulation was no doubt within the powers of the President as Commander in Chief of the Army in time of war, but there were other provisions of a different nature and of far-reaching importance. Not only did the protocol stipulate that Spain should relinquish all claim of sovereignty over the title to Cuba, and should cede to the United States Porto Rico and other islands under Spanish sovereignty in the West Indies, and an island in the Ladrone to be selected by the United States, but it also provided that Spain should "immediately evacuate" Cuba, Porto Rico, and other Spanish islands in the West Indies, and to this end within 10 days should appoint commissioners, who within 30 days were to meet commissioners of the United States at Havana, in Cuba, and San Juan, in Porto Rico, respectively, for the purpose of arranging and carrying out the details of the evacuation of Cuba and the adjacent islands. Commissioners to negotiate the definitive peace were to meet at Paris not later than October 1, 1898. They met accordingly, and, pending the negotiations which resulted in the signature of the treaty of peace on December 10, 1898, Porto Rico was evacuated and the preparations for the evacuation of Cuba were proceeding. It may be said that the evacuation of Cuba was clearly within the scope of the joint resolution under which the President was directed to intervene in Cuba, but this could not be said with regard to the anticipatory evacuation of Porto Rico and other Spanish islands in the West Indies, which was clearly an incident of the cession.

Mr. President, another remarkable exercise by the President alone of the power to make agreements with foreign countries is found in the protocol concluded at Peking on September 7, 1901, between China and the allied powers who had cooperated in the march to Peking for the relief of the foreign legations. This protocol was signed on the part of the United States by Mr. W. W. Rockhill, now minister to China, who was then acting as a special commissioner to China by Executive appointment alone. It embraced numerous topics, including reparation by China for the murder of the German minister at Peking, the infliction of punishment of the principal authors of the outrages and crimes committed against foreign governments and their nationals, the prohibition by China of the importation of arms and ammunition as well as of the materials exclusively used for their manufacture, the payment to the allies of an indemnity of 450,000,000 taels, the constitution of an extraterritorial quarter for the use of the foreign legations in Peking, the temporary occupation by the powers of certain points in order to keep open the communication between the capital and the sea, and undertakings on the part of China

to negotiate amendments to her existing treaties, to improve the navigability of the Peiho River, and to transform her office of foreign affairs into a ministry of foreign affairs, which was to take precedence over the six ministries of state.

Mr. President, I invite attention to the fact, sir, that neither of those was referred to by the eminent Senator from Massachusetts in his impeachment of the course of the President. Not one of those was alluded to by the Senator in the arraignment that he presented in his late speech nor in the catalogue and schedule that he gave the Senate of the instances in this Government wherein the President consulted the Senate. These, the only instances which paralleled the exact conditions now, sir, as Commander in Chief, were omitted completely. Surely the distinguished Senator from Massachusetts was not ignorant of these. He was a Member of the body when they transpired, and he raised not a voice then against these distinguished Executives executing the project and carrying out the design as Commander in Chief, because his eminent ability submitted to his own judgment that they were right, wholly within their province, and justified by precedent and the law of their country. He could not bring himself to give the President the benefit of their weight, though he was too honest with history to dispute the existence of the acknowledged authority.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Iowa?

Mr. LEWIS. I yield to the Senator from Iowa.

Mr. CUMMINS. I am not approaching the subject in a disputations or argumentative spirit at all; but one view expressed by the Senator from Illinois very greatly interests me, and I should like him to elaborate it a little further. The question is this:

On the 6th day of April, 1917, Congress declared that a state of war existed between the United States and the Imperial Government of Germany. Could the President the following day have declared the war at an end without consultation with Congress, or any action upon the part of either the Senate or both Houses of Congress?

Mr. LEWIS. I answer the Senator, yes; the President as Commander in Chief could have declared the war at an end, and then he could have submitted to the body, if he cared—as he should—whatever conclusion he arrived at upon the facts before him. The body could have repudiated his conclusions. There, sir, I say, answering the able Senator, the power of the Senate would begin after the President had announced his conclusion.

Now, Mr. President, the learned Senator from Massachusetts recognized this exact situation when, in a speech on January 3, 1917, the Senator referred to the course of President Roosevelt in seeking to bring together the nations of Japan and Russia for the purpose of peace. The Senator from Indiana [Mr. WATSON] then rose and interpellated the Senator from Massachusetts, and asked if there was any resolution introduced in this body concerning the conduct of President Roosevelt, and the Senator from Massachusetts, so anxious to have it understood that under no circumstances had the body any right to intrude itself with its advice, much less to hope that the proposal would be sent to it for confirmation, said:

Mr. WATSON. May I ask the Senator a question?

Mr. LODGE. Certainly.

Mr. WATSON. I ask the Senator if, in the case of President Roosevelt's note, any resolution was introduced into the Senate for a confirmation of his proposal?

Mr. LODGE. I do not remember that any resolution was passed by either House of Congress indorsing and approving the action of the President. The President was acting wholly within his right as Chief Executive, as the present Executive is acting, and it was not sought by him certainly to project the Congress of the United States into the negotiations, if you choose to call them so, or with the good offices he had offered in hopes of bringing the belligerents together.

And, Mr. President, I can answer the direct question of the Senator from Indiana, made to me a few moments ago, by quoting the Senator from Massachusetts in his reply to the Senator. It is this I meant when I said, in reply to the Senator from Indiana, I would quote him in reply to his query to me. The Senator from Massachusetts continued then to say:

The Senate, in my judgment, has no right—and I have thought so for a long time—to try to force itself into the conduct of a diplomatic negotiation, and when it asks for diplomatic papers its request is always accompanied with the statement that the papers be sent "if not incompatible with the public interest"; in other words, it is recognized that the whole conduct of the negotiation is in the President's hands. Now, if the President has in his possession the terms proposed by the central powers, it is entirely within his discretion to deal with them; but if we are summoned to indorse in the dark everything that he is doing, then before action we are entitled to know the grounds of the action; in other words, when our cooperation is invited we are entitled to have the same information as that which the President has.

It must be very apparent then, Senators, that the viewpoint of the able Senator from Massachusetts in his last address here in this body is in opposition to that which he uttered here in January, 1917, on the same subject. It is equally obvious the change of position has an object. If then, in 1917, he sought to deprive the Democratic side of the credit of offering its cooperation and instruction to the President in his effort to attain peace, upon the ground that we had no right to offer our advice or consultation until the President had demanded it, may I not ask, What right has the eminent Senator now to say the President commits a wrong in not waiting for that advice of the Senate before he acts and before he demands it? Why should the able Senator for that charge him with committing an infraction of the constitutional law of the land and of the fundamental doctrines of the Government? No one knew better than the senior Senator from Massachusetts that he had fully presented the very opposite view and had maintained it. There can be but one construction to this conflict of conclusion on the same state of facts—politics.

It is the one I deplore. It is one that follows the conditions outlined—the desire to obtain the political advantage to be had by holding out to the people of America, who generally do not understand the course of these questions, that the President was assuming, in a despotic manner, as a dictator, as an imperial potentate, to ignore the people by refusing to do that which under the law was his duty, as the able Senator would have the country understand; and that the President was violating the fundamental doctrines of our whole theory of government—and only because it was his privilege to do so—by ignoring this body and showing contempt for its prerogative.

Mr. President, of course you have seen, all of you, newspaper items over the country teeming with burning utterances accusing the President of this great offense to the Senate, of the violation of his obligation to the people, by in no wise conferring with their representatives, the Senate; and these put their accusing judgment on the speech of the Senator from Massachusetts. It was this purpose, I assert, the Senator from Massachusetts artfully had; and here upon the record, as is evident to all mankind, a more unjustified accusation on the part of the able Senator was never made by man of high position, in high place, against the Executive of his own country.

Mr. President, I insist that the object is clear; the Senator hears my voice. It is to make the negotiators in Europe believe that the President has violated the laws of his land and is a fugitive from the justice of the Senate, taking refuge in their midst; that while he is being entertained by them he is as one discredited by his correlative body, the Senate, and that his conduct has been such that he only awaits the repudiation of his American mankind.

And why, sir, is all this? It is that these who unjustly accuse may defeat the very purpose for which the man has gone abroad as the representative of his Nation, and that when defeated they can cry out to America, "Behold what a failure this man was; see how he has brought upon the land this regrettable spectacle of disgrace," showing the world how all the pouring out of blood and sacrifice of life has been of no avail, as they will charge; how, as they will cry out, he was accompanied abroad by Mr. Creel and his retinue; and how he presented himself to the kings and potentates, feasted from golden plates in Buckingham Palace, and came home with a zero to the credit of his office and a disdain of his countrymen to his name and fame.

These condemning Senators hope that their whole design, acutely executed, audaciously conceived, shall accomplish that result. Then they will go before the country and say: "There is but one thing to do; defeat this detestable Democracy, that has brought upon you so contemptible a result. Summon your Republican forces at once and demand a special session of Congress, that you shall on March 4 have a Republican Senate called to right your wrongs." Then, sir, that new Congress, summoned under the call of patriotism, under the guidance of that same leadership, will proceed to turn the railroads back to their masters' possession, without regard to the rights of our people. Then we will have another orgy, where certain railroad manipulators polluted every legislature possible, purchased judges to violate the law, and debauched the Government whenever private profit could follow their crime. Then, too, will follow the telegraph and cable lines to be restored to their private owners to continue their monopoly and outrage upon the people, yet both to be the flowing fount of corrupt political campaign funds.

The distinguished Senator from Massachusetts [Mr. WEEKS] may now know something of the truth of the matter he referred to this morning, that with all efforts of this Government to get the reports about our dead boys on the fields of France, to be

communicated home, the cables were so choked by messages that paid from 60 cents a word up to \$6 that it was impossible to get a message over here to a weeping mother or waiting father with all the power of the Federal Government. The Senator's criticism was just, that these delays seemed to be inhuman, that they must awaken a revolt in the heart of anyone who has to suffer the experience.

Mr. WEEKS. Mr. President—

The PRESIDING OFFICER. Does the Senator yield to the Senator from Massachusetts?

Mr. LEWIS. Yes.

Mr. WEEKS. I do not like to interrupt the Senator, but he should remember the casualty lists came from Europe at a time when the cables were under private control, every week bringing to the War Department the hospital lists—at least it was so reported to the Committee on Military Affairs—so that the choking of the cables could not have interfered in any way with disseminating the information for the lack of which I have criticized the department this morning.

Mr. LEWIS. I must advise the able Senator, since he has alluded to that, so careful was this Government to make an arrangement by which it took no money from the cables and left the officials and operators in charge of the cable companies' affairs, continued its managers and superintendents, that when the opportunity came for one of these lines to profit financially upon the distress of a Nation in the way to which I have alluded, they not only did not fail to accept it, but rushed to do so, and thought that they did so in secrecy. The eminent Senator is right in assuming the Government was in control of the war messages, so far as their contents were supervised at that time, but upon the facts being disclosed he will discover the real reason of the delay in getting reports from Europe as to sickness, casualties, and deaths of soldiers.

For many other reasons the Government has been compelled to lay its strong hand upon these agencies that this continuation of wrong and this unnamable infliction upon the mothers of this country shall not longer continue by private enterprise that is now being championed in this Chamber and elsewhere as "legitimate private business."

Mr. WEEKS. Mr. President—

Mr. LEWIS. I yield to the Senator from Massachusetts.

Mr. WEEKS. I beg the Senator's pardon for interrupting his line of thought. I had no intention of doing so, but I wished to inject this comment, in view of what he has just said, that there has been no complaint on the part of the War Department or by any official of it that there was delay on the part of the cables in sending the names of the casualties from the other side.

Mr. LEWIS. It may be the Senator, Mr. President, has not had the War Department use that excuse. I pray the War Department and no other department of this Government will attempt to shove off, as it were, from its own responsibility by attempting to put the blame upon any other source. Nevertheless, I inform the Senator that at a little later time, in an official report which is now on its way to this body, he will have such different information of the real reason that neither he nor the country need go astray. At a later time I will enter upon that subject more in detail, when not altogether foreign to my discussion.

Then, sir, to proceed, these views I have described of the President's critics go out, flashed at once abroad, and the impression, so unjust of our land and our people, in relation to the President and his country finally succeeds. Then we have the commissioners representing the European countries misled, misguided, and deceived. We have every land abroad advised each morning that the man whom they have received in their halls of hospitality is unwelcome in his own country. Upon those false premises this form of indictment is presented to the world. What do you say, Mr. President of the Senate? What will you say, Senators to my left and you to my right, of the situation I am presenting to you, that here is a citizen from America—I care nothing about his political cognomen—who is President of the United States? With the dignity of this country in his keeping he goes abroad to serve humanity. He is welcomed by every land as the apostle of liberty, received by every country as the distributor of justice, homage paid to him from the doors of the humblest homes, millions of the poor trooping to the highways to see him, that they may see what represents democracy in a humble, simple human being of America.

All over the world every ear is turned to hearken to his least utterance, the earth gives audience to his every declaration. Everywhere benighted civilization and oppressed mankind confide to his justice and trust his promise. These everywhere pray to be delivered by him and are content that he will but

remember them. Sir, only here in his own land, only in the Congress of the United States, of all the world, is he reviled and misrepresented, to such low plane of political uses have some patriots of our land fallen. America, we may not ask, is this your land—are such as these your sons?

Mr. HITCHCOCK. Prophets.

Mr. LEWIS. The Senator from Nebraska [Mr. HITCHCOCK] interpolates "prophets." Prophets! These eminent leaders—I am pleased that I can never bring the charge, fitting to some, against their party or its patriotic followers, for they can not be indicted—but those who wrap themselves in a cloak and brand it "Republican," besmirch the garment and stain the character of a noble party name by their ignoble conduct.

Prophets! So far as I am concerned, I will say to the Senator from Nebraska they shall hereafter be known as "the soviets of the Senate."

Mr. President, since we have seen the object of the thing I oppose, I have but this to say—and then I conclude this branch of the discussion—that when men with motives such as I charge, eminent leaders though they may be, shall have ceased their defamation of this man; when they have ended their misrepresentation, finished their false drama, and have gone into the obloquy which awaits them, and in the calm reflection of a just American public, shall have been driven from public place by that contempt which ever follows deliberate injustice on the part of any man—the President of the United States of America, this man Woodrow Wilson, will rise as a figure illumined on the pages of history, reflecting glory upon this Republic for generations yet unborn. And mankind recalling his labors for good and his sacrifices for man, will ever recall him as one spoken of by Cato in "Pharsalia";

Clarum et venerabile nomen

Gentibus, et multum nostrae quod proderat-urbi.

(A man illustrious and revered by nations and rich in blessings for our country's good.)

I come now to analysis of the compliance to the demand that the President take advice of the Senators as to the peace treaty. I ask your attention, Senators, who do me the compliment of listening to me, to this thought: The Senator from Massachusetts and other Senators say the President will not take the consultation of the Senate. As a mere matter of *les amusant pour le moment*—"amusement for the moment"—as the French would have it, in Victor Hugo's *The Man Who Laughs*, may I submit to you this thought? I now bring in the President; I summon him and say, "The distinguished Senators say you should consult them and take their advice." We imagine him, in his usual genial accommodation, replying, "I shall be happy to do so. I want the Senate's advice." But I as Senator now ask, What advice will the President take? Will he take the advice of the distinguished Republican Senator from Idaho [Mr. BORAH], and that of the distinguished Democratic Senator from Missouri [Mr. REED], who oppose our entering into any form of alliance upon the ground that it violates the traditional principles of our Government and runs counter to the direction of George Washington? Will he follow that advice and keep off altogether, or will he take the advice of the Senator from Pennsylvania [Mr. KNOX], who says, "Yes; we should enter into ententes and alliances in Europe or anywhere, but with a limited number of countries only and with defined responsibilities"; or will he take the advice of the Senator from Massachusetts [Mr. LODGE] and enter into a general understanding with all European little factions by which he pledges our land behind all these foreign divisions to establish any purpose or policy which any of them desires, however much force it may take?

Which advice shall the President follow? Shall he follow the suggestion of the eminent Senator from Massachusetts in saying "This war was a war for civilization," or that of the Senator from Pennsylvania, who says it was one to establish ancient rights on the sea, and we should not enter into the affairs generally of Europe or Asia, but, after stating peace terms, obtain the main principles and get out of the affairs of the world? Or, pardon me for again asking on another phase. Will the President follow the advice of the humane Senator from California [Mr. JOHNSON] and withdraw all the troops we now have in Russia at once, though we have them there as a necessary protection of American interests? Or shall he follow the advice of the kindly souled and industrious Senator from Michigan [Mr. TOWNSEND], and, instead of withdrawing them, obey his demand and at once put more soldiers in there? Finally, Mr. President, as between the protesting voices of the Senators from Pennsylvania and Massachusetts, shall the President take the proposition of the Senator from Massachusetts and sit at the peace table, demanding that all of these nations be divided up into different political divisions, to be established in government and entrenched in power and held there by Amer-

ican force, or the advice of the Senator from Pennsylvania, who says we shall lay down such propositions of general policy for which we fought this war, and "then come home" and have nothing to do with these internal policies of any of the warring lands or their factions?

What advice shall the President take of the Senate? Surely, poor man, in such event—when he comes to get that advice and to follow it—he would have to quote in his soul the passage from Milton's *Paradise Lost*, where the individual, beholding himself surrounded by such confusion of counsels, persecuting him with insistence that he worship in every direction, cries out, "Wretched me, whither shall I fly? If to one, consumed by the gods; if to the other, destroyed by the demons."—Pluto, "rather to thy bosom be my refuge."

Sirs, I mention all this that the country may see how utterly impossible is the attitude of the eminent Senators who make this opposition, and I present it that the country may see, upon reflection, how impossible it would be for the President ever to take his consultation from the viewpoint as expressed by the eminent Senators, however in their sincerity, because of the lack of any concrete judgment on the part of the opposition or any concrete and established policy on the part of any six—or indeed of any two of those opposing this policy—or of any two or more proposing any other policy of any kind or of any nature for the purpose of avoiding war, the devastation of lands, the murder of children, the destruction of civilization.

The Senators may say, as they do, that they will not vote to ratify a treaty or to confirm an agreement made in the manner that they indicate, as drawn from the reports in the public press. Mr. President, I would have no Senator vote for any policy that did not meet his conscience; I would have no Senator give his approval to that which he felt was not for the welfare of this country; but I have this to say:

Now, sir, I am brought to the demands of the Senator that Wilson postpone his ordered work. Says the Senator, "There should be postponement of the freedom of the seas." What postponement? Postponement of an expression of our rights on the sea. Pay tribute to the forceful deliverance of the Senator from Tennessee [Mr. McKELLAR] on this point and envy its convincing arraignment as an expression of my own. Where is my friend, the senior Senator from Massachusetts? Will he hear me from the recesses of his self-effacement in the lobby? Where is the man sitting here that did not hear that distinguished Senator time and time again inveigh against us because we would resign to Germany the freedom of the seas? Where is the speech of my eminent friend which he made in Massachusetts in the political campaign of 1916 and his eloquent and able address made on this floor in condemnation of the President because he would resign, as the Senator set forth, our rights in the matter of the freedom of the seas? Nor, as he charged, ever prescribe and assert it. Now, it is to be postponed. Why? What is his reason, sir, that it should be postponed now? Now, that the battles have been fought and victory won, the representatives are around the peace table for what? They are assembled there that they may incorporate a definition of the results.

What are the results for which we fought? Among others, the freedom of the seas. Postpone it? Postpone the recognition of it? Postpone the statement of it? Postpone the assertion of it? Postpone the demand for it? Then, the only thought I have to reply is, Why did we fight and for what did this Nation go to war? If Germany had not violated our rights on the seas, shattered our ships into splinters, submerged our cargoes, murdered our fellow citizens, defenseless, and without cause, we would have been following to-day the advice of such eminent Senators as these to whom I am referring by "keeping our hands out of European politics." Avoiding every conflict, we would to-day not have one soldier boy lying stretched upon the plains of France bathed in the dew of his own blood, while his mother waits at home for but a sign of where her angel boy sleeps. There are those who were driven to this necessity of sacrifice of our children because of the denial to our country of the freedom of the seas. And this distinguished Senator contributed to this body a discussion that can be used, indeed, as a model anywhere of our right to the seas and the necessity for claiming it, aye, through war. Then, indeed, sir, shall we hastily and without preparation postpone it? Why is it asked? What for? Hear me; I will tell you.

There is no abler historian in this body than the senior Senator from Massachusetts. He can tell you how in 1812 and 1814, when we had concluded war with England, made for our rights, known as the rights of the sea, and then in peace negotiated a treaty, we permitted ourselves to be juggled into omitting any definition of our rights on the sea. It was left out and postponed; all assertion of our rights to the sea abandoned.

We withdrew it completely that we might not have a further discussion or embarrassment upon the subject. Yet, sir, when Henry Clay, as commissioner, came home and made this confession to the American people they defeated him for the Presidency. All over America, even in our weak years, went the echo: Why the war, why the death, why the desolation, if for all that for which we suffered we get not even a word establishing our rights? The eminent Senator from Massachusetts is not blind in his astuteness to the fact that if you can but duplicate that history, you can in 1920 go all over America and cry, "Behold the Nation, with twenty billions of its money gone, with its homes desolated of children, with a cloud of misery on every threshold and in every home, and yet for all this, what? Nothing!"

Should the demand of the Senator and his allies prevail, then to-morrow, if Germany is rehabilitated, she is just as she was yesterday, without a warning by America of any right of ours whatever on the seas. Britain, France, Italy, Japan, and Austria, indeed every nation at the peace table, has not a line from us insisting on our rights, nor is there recorded in any compact a single demand for the security of America on the seas for the to-morrows. Ah, then, the distinguished Senator and his colleagues will cry: "Out with those who did such cowardice, out with them, send them into outer darkness, where there shall be weeping and gnashing of teeth, postpone!" Postpone?

Mr. President, I regret my learned friend from Pennsylvania [Mr. Knox] is not here. I wish to speak of that able Senator's position. In his speech the Senator from Pennsylvania tendered a resolution. Behold, sir, it reads in its preamble:

Whereas the United States of America entered the war with Germany and Austria-Hungary in order to vindicate the ancient rights of navigation as established under international law—

The Senator from Pennsylvania says we entered the war to vindicate our ancient rights, and the Senator from Massachusetts says, "We shall postpone the vindication." If we entered the war to vindicate them, then why postpone it? What is the purpose of the eminent Senator from Massachusetts?

Mr. President, here we will recall that likewise the Senator from Pennsylvania demands that we postpone the league of nations. I pray you watch this little game. Political ping-pong was never played with more astuteness nor more amusingly. First, the Senator from Massachusetts demands that we shall postpone the freedom of the seas; he makes his declaration and declamation with all the anathema of accusation and condemnation. Then arises the eminent ex-Secretary of State, the Senator from Pennsylvania, for whom all have an affection, and demands postponement of the establishment of a league of nations. Now, in the language of the Gilbert and Sullivan opera, "there's a howdy-do." Postponement! Why? Did we not go to war for complete vindication of all we were fighting for? Are we now to forego any of these necessary guaranties? Might I not put a query here to the Senator from Massachusetts and to the Senator from Pennsylvania?

I read from a report of 1898. When the peace arrangements were being proposed between this country and Spain and the proposition was made that we take the Philippine Islands, yonder in New England there arose a great protest of those who called themselves "anti-imperialists" against the taking of the Philippine Islands. There arose also from these and elsewhere a demand to abandon that question then and there. Senators who do me the honor to hear me remember the cry was, you will recall, "Let us have immediate peace that we may stop the fighting in the Philippines," which at that time was going on, as you recall, between Aguinaldo and the United States. It was these distinguished Senators, if I err not and call upon them to bring forth facts to the contrary, if I am in error or my report in error, who, in their wisdom, protested against the postponement of any of the terms necessary to a complete peace. To use the words of one of them, "It would be a piecemeal peace," and the country would not know for what they had fought or what they had obtained.

This was sensible. It was what America demanded!

Why ask us now to postpone? What is the theory of saying to us, "Let us postpone," when they realize postponement means a wrong to the Nation and a wrong to the purpose for which we fought and for which our Nation's children died? We know what postponement means. We are not all in the dark as to what is in mind by demanding postponement. The distinguished Senator from Massachusetts will have us postpone freedom of the seas. The eminent Senator from Pennsylvania will have us postpone the league of nations. In other words, "Mr. Wilson, please postpone yourself and postpone the Democratic Party and postpone any achievement and postpone any result, as we desire to postpone you politically perpetually." [Laughter.]

Mr. President, if the distinguished Senators had advanced a reason founded in any of the past history of our land or in the suggestions of accommodation to any claim of justice for these propositions and these demands, they would receive at my hands a dignified and considerate treatment. But, sir, as I will point out, and trust I have, there is not one suggestion of conduct made by the eminent Senators but directly contradicts that which they have made before under similar circumstances during other administrations. It is but evident that the purpose is to serve partisan opportunity that might be born of confusion of a people and a misconception of the duties of the President and misrepresentation of his constitutional rights. It is to be deplored that for the consolation of each Senator that each could not have known how to anticipate the antithesis of policies they bear to each other and harmonize on one sure principle of obstruction. That result might promise some hope of advantage.

But we who love them both and wish them well can for the consolation of their hearts dismiss all consciousness of inconsistency of theme, action, or time of performance and cry forth, "Ye gods, annihilate but space and time and make two lovers happy."

Mr. President, we come now, sir, seriously to the situation which the Senator from Massachusetts and the Senator from Pennsylvania would leave us in. I am not without consciousness of the seriousness of an observation I make here. I have stated before—in agreement with what the Senator from Alabama [Mr. UNDERWOOD] this morning said—that this treaty will be before us in some form before this short session closes. All the more ought I to be careful of any utterance I make here touching any viewpoint I have. Mr. President, I say to the country that if the influence of distinguished Senators in this body or of any others anywhere else shall succeed in postponing any arrangement whatever for the creation of some tribunal to which disputes of small nationalities and contentions of European peoples shall be submitted, there will be war resumed, and to this country there will be no exemption. This feared war will break in Europe exactly and for the same apparent beginnings as this great world war broke before. Hear me in my reasoning, sir. We now behold Italy contending for territory, a part of which the Jugo-Slavs insist is theirs; again is Italy contending for a territory part of which Greece demands. Greece demands that which Bulgaria claims. We see that as to one of these, as to Greece, her leader, Venizelos says, touching Bulgaria and the claims of Italy—announces—I read from the foreign journal quoting Venizelos:

Bulgaria sets up territorial claims in the Near East, which, Mr. Venizelos says, will lay the foundation for another war in the immediate future if Mr. Wilson allows himself to be misled.

Sir, we recur then to note another expression, far away geographically. Italy is making certain claims to certain territory, and the Jugo-Slavs, on the other hand, are making counter claims to the same territory. Now, it is said by the leader of the Jugo-Slavs. I read:

It is impossible in the terms of this armistice to avoid seeing again the effect of the Baron Sonnino's reactionary policy.

If this policy is allowed to prosper unchecked, if its attempt to lay hands on as many pawns as possible, is not frustrated, there is a definite danger of permanent armed conflict between the two shores of the Adriatic, and such a conflict would have the immediate effect of weakening the Agram Government, and most likely of opening the floodgates of bolshevism.

Mr. President, is this all we need fear? No. Let us pause and contemplate. There is Japan. Japan says, "I claim as the fruit of war the islands heretofore held by Germany in China." She contends that the Provinces which have been wrested by her from Germany, Kiaochow, shall be hers. China replies that these were hers—ever hers—and that they should be returned to her, because first taken by Germany by force from her.

In the meantime, as to the Manchurian border, a part of which was once Russian and a part China's, China is asking to have that returned to her from Russia, while Japan is asking to have Manchuria placed in her hands, as she has been administering it after capturing it from Russia, who had taken it from China.

Do you not realize that each of these will begin their contention—force their claims against each other—if we have not a tribunal such as President Wilson is seeking to create? These conflicts can find but one court of arbitration. This will be where the advocate is the sword, where the judges are cannon, and where the decrees are writ in blood. Let no man beguile himself. They have nowhere else to go. When we have refused after we have promised, or when we have defaulted after we have undertaken, and when their hopes have been dissipated, and only disappointment and despair is their inheritance,

what else, they will argue, can they do but fight? It is all they were taught by the Old World, and fight they will. So all of the losses which the world now endures and all the sufferings which mankind has borne as the result of the breaking out of the fires in the Balkans will be again renewed in all their horror and desolation. It will be the United States bringing—

Cæsar's spirit, ranging for revenge,
With Ate by his side come hot from hell,
Shall in these confines with a monarch's voice
Cry "Havoc," and let slip the dogs of war.

Sir, once the flames light again, with armies resting on arms, no man can picture the universal devastation, nor how the new anarchy and war aroused in the Orient and Russia will rush like leaping flames to our possessions in the Pacific, and approaching us from the Pacific Ocean envelop our west coast in its fires and descend with riot and civil anarchy on us in every center of America. I warn you of the day you bring on yourself.

[Mr. LEWIS yielded the floor at 4 o'clock Thursday.]

Friday, January 3, 1919.

Mr. LEWIS. Mr. President, I would not resume the floor this morning had I not laid down specific propositions and stated that I would amplify them by proofs from the Record. I appreciate the generosity the Senate has extended me, and I certainly shall not abuse it. The Senator from Colorado [Mr. THOMAS], the Senator from Idaho [Mr. BORAH], and the Senator from Iowa [Mr. CUMMINS] desire to address the Senate after 2 o'clock on the pending question. I certainly anticipate that nothing I may continue to say will stand in the way of that program.

Mr. President, the Senator from Massachusetts [Mr. LODGE] this morning had read into the Record some views of Viscount Bryce as to the difficulties that would attend the formation of this league of nations, and the eminent Senator would have us understand that, because of those projected difficulties, the embarrassment is regarded by some as insuperable, and for that reason we should not enter upon the undertaking.

Mr. President, no one could have heard those views read without recalling how literally they were the forms of objections which were urged to the confederation of States in the United States of America. They were almost in form literally the things that were constantly said as to how that confederation could never be successful and the Union never permanent. Of course, Mr. President, there are objections to be urged from many viewpoints, there are difficulties apparent; but if we are to shrink from an undertaking merely because we are confronted with a difficulty we shall never enter upon any solution of any question. The mere fact that there are these indications as to difficulties that might arise only serves to warn what things are to solve, what difficulties are to meet, and what obstructions to overcome. Thus I do not regard the mere suggestions of Lord Bryce, or from any other source indeed, pointing out difficulties as obstacles insurmountable to the purpose in view, nor do I recognize them as excuses for failing to enter upon the principal design that is in contemplation. As to the contributions tendered by the Senator from Wells, the novelist, I had adverted to those in the speech of weeks past, and the Senator from Montana [Mr. WALSH] read the extracts in the Record. They point nothing new of objection and give much of hope from new quarter. They were offered by the Senator to dispel the impression he fancied I had awakened, that he alone had presented objections to the plan as proposed and to the project as designed. Alas, for both of us, in all thoughts we can not claim originality.

But when I closed yesterday afternoon, Mr. President, I had reached a point where I was about to enter upon the analysis of the counter propositions suggested by the two Senators—the able Senator from Pennsylvania [Mr. KNOX] and the equally able Senator from Massachusetts [Mr. LODGE]. I had stated that the propositions presented by those Senators as counter propositions carried with them the very same suggestion of difficulty that they themselves conjured as against the proposition for the league of nations, and that every one of the burdens which they said would fall upon the nations in the event of attempting a league of nations, would, I charge, inevitably grow out of either plan suggested by either of these two able Senators in the view which they proposed. If this be true such clearly conducts to the mind the conclusion that the league of nations as proposed has less evils in its prospect than the propositions presented by the Senators as their counter propositions have in their inheritance. Let me prove that.

The Senator from Pennsylvania tenders the proposition that we postpone the suggestion of a league of nations, and in its place—and I will quote the Senator's speech literally from the Record—he proposes an entente of nations. The Senator would

have the larger nations—he named Italy, Japan, France, and the United States, to illustrate—have an understanding that in the event there is anything that looks like the prospect of a conflict, those nations then are to get together and say to the particular nation that threatens that they will use their combined strength to avoid the conflict by whatever means is at their hands or to defeat it.

Now, I ask the question, How could such an entente ever be created to execute these purposes without an understanding between them that they were to use their army and navy? If there be no understanding to use any army and navy, then their mere assertion of a request would be as idle as a whisper. If the purpose be, as the Senator says, and clearly discloses, that where the nation that threatens shall not abjure and desist, then we shall use the combined forces of these, the entente. There, Mr. President, have we not then that force of army and navy invoked by combination of the entente, and have we not the exact situation which Senators conjure up as the evil that they fear to follow and the consequence which they claim make disastrous the adoption of a league of nations?

And, Mr. President, the distinction between the proposition of the Senator from Pennsylvania and that of the league of nations is this: In the proposition of the Senator from Pennsylvania you would have a few select nations banding themselves together because they are large and assuming to say to all those whom they have kept out, "You shall obey the theories of life as we prescribe them; you shall be under the jurisdiction of ourselves, as we have combined; you shall have no voice in the understanding; you shall have no representative in the agreement, but what we determine you shall obey." Fancy how long, Mr. President, that would be successful.

And, Mr. President, how would it be executed? Let us pause a minute. Do you assume that under that agreement—may I ask the Senator from Pennsylvania when he has time to consider the matter—Italy, with so many thousands of her nationals in Argentina, would agree to abide by whatever agreement these other three or four nations might make as against South America in any design that might arise there? or let us imagine some grievance that they might have from there. Certainly not. Could you imagine, sir, that France, with the interests that she would have in Argentina, could you imagine that Spain would stand silent when Chile was being made the subject of some assault? Could you assume that Britain, with her interests in nitrates in that country, would be content to sit silent and allow other nations anywhere to dispose of Chile? You can readily see, Mr. President, that the suggestion by the eminent Senator is a mere escape from the bigger question. From less than the Senator we would characterize it as a subterfuge. It is filled with every conceivable objection; there is no virtue from it compared to the virtues in an agreement of all nations that can be tendered as an offset, much less as a counter-proposition, to that of a league of nations.

Mr. President, what is it, therefore, the Senator contends for it? Here we are interested in this thought: The able Senator from Pennsylvania would have this entente of nations and have an agreement on their part to carry out the design of frustrating any nation that attempted to make war if it did not settle according to the terms of these four. Then the Senator is wholly at variance with the objection urged by the Senator from Missouri [Mr. REED] and the Senator from Idaho [Mr. BORAH]. They contend that it would be against the policy of George Washington that we should have any alliance with any foreign countries of any nature that might involve us in any complications of the sort which the Senator from Pennsylvania would prevent. The Senator from Pennsylvania presents St. Paul's theory, as expressed to the Corinthians, "all the old things are changed and only the new have come upon us," when the Senator says that George Washington referred to our isolated state, to our separate and distant condition, and, says the Senator from Pennsylvania, "I will not concur and I do not adopt the theory that there should not be some entente arrangement with foreign nations to accomplish purposes of this kind." Then, Mr. President, we see at once that in this opposition to the President we have such a variance between these leaders of the opposition that there is no concrete form which they present that could possibly be executed as either a party policy on the one hand or a unanimous one from the opponents of, as nonpartisan, on the other.

Let us see, sir. There is a thought to be brought to our attention: The eminent Senator from Pennsylvania would have the country understand that, as he says, had we been wise enough to have adopted a suggestion of this kind in 1914 there would have been no war, and I have never a doubt that the distinguished Senator will present before the country how this splen-

did plan, had it been conceived and executed, would have avoided war. Why, Senators, the eminent Senator is possibly for the moment unconscious of the fact that had the proposition been available, had it been practical at that time—Germany was at peace—we had no reason to suspect, we had no proof at that time that she was establishing a conspiracy. So she would have been one of the nations brought in by him, and then, within the counsels of this select entente in its privilege of monopoly, Germany, with all of her secreted power of 40 years, would have been the dominant figure with the secrets of the power of the other nations in the big entente.

Mr. WILLIAMS. Just as she was at The Hague tribunal.

Mr. LEWIS. The Senator from Mississippi injects appropriately, as Germany was at The Hague tribunal.

I bring to your attention this to demonstrate how impracticable, and may I say, sir, how thoughtless, are these suggestions, grandiose in their sound, presented by these eminent Senators that the country may see, as they would have the country believe, that they are not indifferent to some form of league; that they have one quite complete in itself and concrete sufficiently to accomplish the purpose as a reply when they have defeated the one that is now before us for consideration.

Mr. McKELLAR. Mr. President—

Mr. LEWIS. I yield to the Senator from Tennessee.

Mr. McKELLAR. If a simple announcement of that doctrine by America in 1914 would have prevented the late disastrous war, the most disastrous of all wars, how much stronger and how much more effective would be the announcement by all of the nations instead of by the United States alone. And does not the argument of the Senator from Pennsylvania show beyond controversy that, if it be a good doctrine if applied by the United States, it would be a far better doctrine if applied by all of the nations instead of just one of the nations?

Mr. LEWIS. Mr. President, I must concur in the statement of the Senator from Tennessee, for, as usual, he contributes a potent thought and one effective in its suggestion.

Mr. President, it is interesting, however, at this point to recognize what view is held of the position of these eminent Senators by those outside, and more interesting, when we contemplate the Senator from Pennsylvania, to note that from his own home city of Pittsburgh, from the Pittsburgh Press, there comes comment. That is evidently not a party paper that can be called Democratic; it can not be said to be distinctively favorable to Woodrow Wilson; it attempts to give the credit for a league of nations to ex-President Taft, from whom we wish to take no just credit. But, sir, the editorial, referring to this league of nations, says:

It is properly no party matter. The league of nations is favored by Republicans as much as by Democrats. * * * To attempt by Senate or national committee action to discredit the idea for which the league stands would be not only to misrepresent and outrage the convictions of the vast majority of Republican voters but would be to commit a colossal political blunder.

It is to be hoped that Mr. Taft will fight to a finish against the folly of the handful of blind though powerful Republican reactionaries who are working to give the Democratic Party the immense benefit of a Republican misdeed on this tremendously important issue.

Mr. President, it must be plain that the attitude of these Senators, as I have pointed it out, is not only inconsistent with practical execution, but is merely tendered for its smoothing effect. Sir, Edmund Burke had occasion to observe that deceit and sometimes hidden design ever delight to speculate in grand presentation. As it has no intention of going any further, says he, than to speculate, it can do so grandly.

Therefore, sir, we see when we examine the position of the Senator from Pennsylvania that it presents no counterproposition, except one that would involve the country in every conceivable form of difficulty, which they conjure up as against the league, with none of the league's compensations.

Now, I take the last suggestion that the Senator presents. The Senator concludes his able speech by saying that he would never consent nor vote to ratify any treaty that would enable our country to be called into action by any foreign power. Why, Senators, how would the distinguished Senator, with this wonderful entente that is sent over the world, flattering these particular nations that, could this policy of Wilson be beaten, they would alone be brought into the secret consultation chamber of the favored, as an inducement to them to do what they can to frustrate the plan now put forth, that they might be favored in the ultimate design presented—how, sir, could they succeed in the realization of the theory of the eminent Senator, except, sir, that it would involve our Navy and our Army, invoke it whenever necessary to carry out the plan of that particular entente against any others outside of it and obstructing or antagonizing it?

And when they did do that, sir, would not that be calling in our Nation by the foreign power, either one of them, two

of them, three of them, or the four? Can not the able Senator see to what a reductio ad absurdum the conclusion of his view ultimately leads; will he not see how absolutely it refutes the policy suggested by them as the foundation of their objection—that our Nation could be called into action by foreign powers under the league? Yet the Senator's plan confesses thereby that only a few foreign powers, and those the favored ones, shall have the right to do so.

Mr. President, it seems to me the attempted distinction is so small, and rests on so small a basis, that the object for tendering it is the one I have charged; and, notwithstanding the somewhat indignant and warm, if not impulsive, refutation on the part of the Senator from Massachusetts this morning, saying that he did not know the speeches attacking the league were assailed, and if they were, he was not trying to vindicate them—it must be quite apparent, sir, and there are those in this body who are conscious now, upon examination and reflection, that these attacks can not escape the conclusion that the purpose they had was to frustrate the designs of the President, that he might be discredited and dishonored abroad, and the country defeated at home.

You remember, Mr. President, that one of Hamlet's observations was:

Rightly to be great
Is not to stir without great argument,
But greatly to find quarrel in a straw
When honor's at the stake. How stand I then?

Now, Mr. President, we come to the last subject, the matter that I referred to this morning in discussion with the Senator from Massachusetts. We see now the counterproposition of the Senator from Massachusetts for but a moment.

The Senator from Massachusetts tells the country that he opposes the league for two reasons. He offers those which the Senator from Pennsylvania [Mr. Knox] offers, only in a different way—in a different expression, I might say, sir. Says the Senator from Massachusetts, he will oppose any league that has among its possibilities the country being called to put its Army and Navy at the disposal of a foreign nation; and, second, he will oppose it upon the ground, among other things, that we enter into the affairs of Europe by our alliance. At the same time the Senator from Massachusetts rises on this floor and, as he says this morning, declares that to which I turn in order that I may verify his speech; and I commend now to the country's serious consideration the fact that the coming leader of foreign affairs tells the Nation that he now insists—as he will in his position as chairman of the Foreign Relations Committee, what?

As the counterproposition, that we abandon the consideration of the league of nations now; that we proceed with the peace table; and, to use the language of the esteemed Senator, he says:

I think there is general agreement upon them not only in the Senate but among the American people.

For what?

The restoration of Belgium—

As to that humane design, we all know too well how much blood was shed for it.

The return of Alsace-Lorraine to France, of the Italia Irredenta to Italy.

Surely the Senator does not mean the latter in entirety. The Italia Irredenta, Mr. President, if I am not wrong in my recollection of history, was an arrangement made in 1878 by a party in Italy called the Irredentists. Their theory was to have returned to Italy all the country of the Italian-speaking tongue; and Italia Irredenta then and now in itself includes Nice to be taken from France and Malta to be taken from Britain.

Does the Senator want to flatter the Italians who are in America, when they shall read this, into the belief that the Senator from Massachusetts demanded of the United States and her people that they pledge themselves to give to Italy the Italia Irredenta? Every humble little Italian, remembering the days of 1878, knows that that included Nice from France; that it likewise included Malta from Britain. Does the Senator assume here now to state that that was his purpose? Will he say, from his place on the floor, that it is his intention to demand that the American people shall take Nice from France? Will he say that he will demand that the American people shall take Malta from Britain? And yet that is the Italia Irredenta. Does the Senator wish to have the Italians all over this country, and particularly in Massachusetts, where their number is large and at the ballot box most potent, assume that this was his offer, to tender the American people as an indorser and guarantor of that?

Of course, the Senator here will insist that what he meant was merely the Trentino and Dalmatia, that land along the border; but that, Mr. President, is also under discussion, and just

now serious dissension, Greece claiming a part, but the Jugo-Slavs a greater part.

Yet the Senator will have us not only guarantee to Italy that which we would love to do, even with the blood of our children—that she shall have all her boundaries as prescribed by nature—but the Senator practically says on the floor by his statement he would have the American people agree with the allies to enter and put her in position to hold these people there, if we correctly construe his speech. He does not mean it, of course; but he will have the Italians understand there and in America from their Italian papers that that is his promise. He would have these worthy people flatter their soul with the consolation that with himself and his political party in power that will be done. It is artfully urged, of course, but not altogether blurred in the vision of those who reflect, that the purpose of the Senator was to give the Italians to understand that the Wilson administration ought to police their Government and assure the possession of all disputed boundaries by American Army and Navy. Yet the Senator will not say he would do it.

Then says the Senator:

The establishment of a Jugo-Slav State—

How shall we establish a State, and where shall we establish it? We love to recognize the Jugo-Slav people as a people for independent nationality; but shall we take the American people and make them guarantee the establishment of a State? And how shall we do it, if we could do it at all, when objected to by Italy, which claims the border, unless we take from Italy what the Senator says she should have? Then we would have to do either by the only force in the world that we have to do it—the Army and Navy. And yet, says the Senator, he is opposed to any league or arrangement that would involve our Army and Navy to execute any design!

Ah, but we have merely entered upon this suggestion of glorious promise on the part of the Senator. Says he, also, that we shall guarantee "the security of Greece, the settlement of Albania."

Albania? The security of Greece? Greece is contending for Albania. Turkey is contending for Albania. How can we give security to Greece and also give Albania to Greece, and a portion of Albania to Albania? Yet it is very suggestive, of course, to the Greeks.

Mr. WILLIAMS. And Albania is contending for herself.

Mr. LEWIS. And Albania, as the Senator from Mississippi correctly says, is contending for a separate government. Indeed, we removed the minister to Greece—if a suggestion for his resignation can be regarded as removal—Mr. George Fred Williams, appointed from the Senator's own State of Massachusetts. He was invited to resign because he left his post in Greece in order to advocate the cause of Albania among the Greeks, as the Senator must recognize, on the ground not that we did not respect Albania's rights but that a minister sent to Greece should not interfere with its local affairs any more than an ambassador sent here by Greece should interfere with our local affairs.

Mr. President, I merely call attention to these positions of the Senator that reflection can disclose how impossible is his plan. Then, says he, there should be brought about—

the consolidation of all the Roumanian people under one government, as well as the neutralization of the Straits, the putting of Constantinople under international protection, with Greece, perhaps, as the mandatory of the powers to administer the affairs of the city.

Mr. President, what will Britain do if there is an attempt on the part of the United States to put Greece in control of the Dardanelles and Constantinople? Why, she fought the Crimean War to prevent that, even when Turkey offered to Greece to govern Constantinople as a combination between the two. And yet the Senator will have the people of the United States put behind the proposition of guaranteeing to Greece that she shall have Constantinople.

What will France do? What will all of these nations do that are interested in the problem of Christianity? The Senator well knows the proposition is impossible; that however much we would love to have Constantinople free, and the Christian religion dominant, you never could get the American people to agree that they shall enter into the purely municipal or State affairs, the purely political affairs of Europe, to establish that city under the control of any one separate country, and to do that in the only way we could, sir, by force, by the Army and by the Navy.

Mr. President, one other reference to this matter, and that will conclude me on this basis as the tests of the Senator's practicability or sincerity of counterproposition.

Says the Senator:

Such in outline are the necessary steps demanded by exact justice, upon which, I think, the United States and the allies are substantially agreed in order to make a lasting peace with Germany.

Mr. President, here I pause to call to your attention an important phase.

When the Senator from Nebraska [Mr. HITCHCOCK], in January, 1917, tendered a resolution on this floor to support the message known as the peace message of the President, it brought into consideration at that time, sir, what was the peace message. Mr. President, we turn for a moment to consider that the Senator from Massachusetts opposed the resolution of the Senator from Nebraska upon the ground, among other things, that it approved that feature of the President's peace message that, as he said, guaranteed to the particular lands, to which I have just referred, their protection. Remember, sir, the full extent to which the President's peace message went was merely to offer the cooperation of the spirit of our country to secure them recognition as nationalities. In no wise, sir, to enter into their country and administer it by the only force that could administer it, the Army and Navy. Then the Senator from New Hampshire [Mr. GALLINGER] tenders, sir, the New York Sun's criticism of the President's message, as follows:

In this passage, as the World justly remarks, "the President pledges the cooperation of the United States in the enforcement of future guaranties of the peace of the world and the integrity of the small and weak nations of Europe. It can not be made too clear that whether this is or is not a desirable departure from past policy, it is a departure involving not only our participation in the control of the destinies of Belgium and Serbia and Roumania, but also participation of Great Britain and Germany and Russia and France and Italy in the control of the destinies of Mexico, of the Central American States, of Venezuela; why not even of Cuba?"

Then the Senator from Massachusetts, after that had been read, says:

Now we come to the second request, and that is the measures to be taken for the preservation of the future peace of the world after the war has concluded.

The Senator says, quoting the President's note:

In the measures to be taken to secure the future peace of the world the people and Government of the United States are as vitally and as directly interested as the Governments now at war. Their interest, moreover, in the means to be adopted to relieve the smaller and weaker peoples of the world of the peril of wrong and violence is as quick and ardent as that of any other people or government. They stand ready, and even eager, to cooperate in the accomplishment of these ends when the war is over with every influence and resource at their command.

Hear the Senator from Massachusetts—how the distinguished Senator denounced this!

Mr. President, we were then not at war, but tendering our services as a neutral; and as one intervening for peace it was our privilege, by every doctrine of humanity and international law, to tender any suggestion that could mollify or harmonize. Now that we have gone into the war, the limit is this: We are limited, so far as our demands are concerned, in the nature of things, to the purposes which we gave the world as those for which we entered the war as a belligerent. But, sir, when we were not in the war, with none of the obligations that are imposed upon us as a result of having been a belligerent and merely tendering our good offices to the extent that a national soul of cooperation could be justified, hear the Senator from Massachusetts raise his voice in denunciation against even that by saying:

Mr. President, I present these articles simply as showing what outside judges who have given attention to this point regard as involved in this commitment by this note of the administration, and of the United States by implication, to the doctrine of general cooperation with the powers of Europe. I do not wish to enter into further details, which might be extended indefinitely, because I think it must be apparent to every one that when we abandon our traditional policy of separation from the politics and affairs of Europe we take a very momentous step, and one which should not be taken without the most thorough knowledge of what is intended and of the distance to which we are to be invited to go. An approval of the note in this general form carries approval, of course, and without limitation, of the principle of general cooperation with European powers in the affairs not only of Europe but of America.

Yet, Mr. President, the able Senator now tenders a program going further, indeed, in its effect than was ever contemplated by the President's message, and in effect urges that the American people shall now become the guarantors of the politics of Europe—first, it shall establish States; next, it shall take possession of cities; third, it shall guarantee the administration of them—when, sir, the very policy presented by the Senator, which he would have the country understand he sponsors—that it might flatter the hopes of the subjects of these different countries in this land who vote at the coming election—he had denounced as a thing outside of our province, and one which, if we dare enter upon, no one could see the end of in its bewilderment and destruction for our institutions.

I mention this to show you, sir, that when the eminent Senator from Massachusetts presents his counter proposition it is not one that he believed in; it is not one to execute; it is not one that he will dare offer at any time his country to execute or ever command his countrymen to follow—that we, the Ameri-

can people, should put our Army and Navy behind the undertakings of politics by choosing one faction, one division, and, sponsoring them, place all the power of our Government behind them to bring about success for them in their prospect, their project, their hope of racial divisions and political contests.

Mr. President, why did the Senator make that proposition? No one knew better than the Senator that it was an impossible design; but, Mr. President, it was read all over America. It was read by these nations yonder in Europe. There is not one of them that has not a great hope tendered by the Senator from Massachusetts, the future chairman of the Committee on Foreign Relations, that he is for giving them, and that particular branch of them, the full control that they ask of anything they hope and of their former subjects here a great voting consideration.

Mr. President, we see from the press that one of the highest European authorities now in attendance upon this conference in France is asked the question, What significance lay in the unofficial Belgian announcement that Emile Vandervelde, the Belgian Socialist leader, will be one of the peace delegates? He said:

None. When the conference begins, it will concern only nations—not parties within the nations. There must be no appearance of party politics in so grave an undertaking.

Mr. President, then you must see clearly two things: First, if the policy of the Senator from Massachusetts were invoked, it calls for the participation of America in every form of European politics, in every country of Europe, in every division of that country, in every faction of that land, and in, sir, the affairs of every people of dialects, as well as those of languages. It surely fulfilled the greatest material hope held out anywhere in scripture. It gave all things to all men, and everything to everyone.

But if the Senator will put the United States behind the aspiration of every faction and division of every nationality and land he names, why omit Ireland? Why should she be forsaken, not even mentioned in the distribution of liberties and self-government? She was first among the first asking our offices of support and the world's recognition of a free land for a free people. Am I cruel to suggest that the fact that most Irishmen in the United States are presumed to be Democrats is responsible for my friend dropping them as unworthy of consideration?

When the eminent Senator would have it understood that he guarantees from his own viewpoint that it is the thing to do for the United States to enter into this design, does he not present to the world the clear interrogation, how can these men be put into possession of these countries by us but through force? How shall we administer this separate government if we have not entered into their politics? Only by force. How shall we keep them there continuously in power against those internally opposing them? Only by force. What force have we? The Army and Navy. Then how can the eminent Senator contend he is opposed to the league because it may involve all nations and at the same time the Army and Navy of the United States, when the proposition he tenders can only be executed in any way whatever by occupation by the Army or the Navy, or both—a perennial army of occupation—and the constant attendance of our flotillas in the waters surrounding those lands, showing very clearly that the eminent Senator in presenting his objection to the league does not find it upon the thing that he really has as his objection, because he tenders that same thing as a necessary corollary to the only proposition that he presents.

Let us have an understanding. We do not mind the position that these Senators take, but we would like to know their purpose. The Senator now says he will oppose a navy the size of Britain's; that he will oppose the policy of a large navy for us. He follows Col. Roosevelt in that. Hear me, then, sir: He will have no league of nations that shall preserve the peace. That is the position of the Senator and his supporters; and yet he will have no navy to preserve the peace after we have refused to have a league that could preserve it by harmony; he will have no peaceful peace by peaceful arrangement, and will make no preparation for a war to maintain peace by force for his country.

An interesting dilemma, it must be confessed, upon the part of a statesman whose views are supposed to be leading and to be honored.

Mr. President, the Homeric god cried out: "Ye may slay us; but, if ye do, let it be in the light."

The eminent Senator constantly quoted the Senator from Idaho [Mr. BORAH] in his observations in reply to the Senator from Mississippi [Mr. WILLIAMS], when the Senator from Idaho remarked, "Let us be candid with the American people;

let the administration be candid; and let those who advocate the league be candid." Thus says the Senator from Massachusetts. That is what I say—be candid. I say to the Senator from Massachusetts, as he sits in the cloak room catching the sound of my voice through the crack of the door: "Physician, heal thyself." I would have the eminent leader candid. What is the subterranean design if we are to have no league to preserve peace by peaceful and Christian methods, and then we are to have no Navy large enough to enforce it by military methods, if necessary? What is the plan of protection or policy of action the Senator and his followers secretly husband to put on the law? Surely he will not "leave us naked to our enemies."

Where are we? What is involved in this hidden mystery? I will give it to you, sir, if I may be so bold as to tender a key, to solve this apparent riddle. When we have in this short session, with a majority favorable to the administration, failed in the naval bill and failed in the league, then will come the command from the eminent leaders on the other side to the country to let this new Congress, called Republican, remedy this "unspeakable wrong," this "cowardly betrayal" on the part of this Democratic administration! What is the meaning suggested, sir? That Britain should have a navy so large as she may desire, but that we shall not have a Navy equal to it. Shall it be that the eminent Senator from Massachusetts will join with the distinguished ex-President in making the United States a dependency of Britain?

We are glad to have friendships, and we trust nothing shall ever dissolve them, not only with Britain, but with every other nation. But what shall be said if the time shall come when we shall exact from Britain the use of her navy for our defense anywhere; that Britain will not have the right then, under the form of reciprocity, to the use of our Army and Navy in her behalf everywhere? Then the Senator has the league again, only we say the league should be universal with all nations, while he would have us put in a position that only Britain could exact, by the doctrine of reciprocity, the contribution of our Army and Navy in her conflicts in return for giving us the protection of her navy.

Surely we can not understand this mystery. We only see that it exists, and strangely so; and we are compelled but to one conclusion, that the eminent Senators present no counter proposition which by test or analysis in anywise controverts the policy upon which a league of nations is presented or of the just and humane doctrines which the President of the United States urges in its behalf, and to the preservation of the peace of the world.

Senators say they will not vote to ratify the treaty if made by Wilson as now proposed. I would have no Senator vote against his conscience or against the interests of his constituents, but I now promise to you—and pledge the future to the fact—that when Woodrow Wilson, President of the United States, returns to this land and tells the American people of the reception his policy was given; how the Government of Britain, under Lloyd George, approved his doctrine and gave it the hearty support of a Christian and generous people; how France, in her magnanimity and sad grandeur, gave it her indorsement and put behind it the noble spirit that has been so often vindicated in many, many conflicts on the field of battle, in letters and in science—but above all in the soul of her liberty. When he shall tell how Italy received him as one who brought her preservation, secured her liberties; and then shall speak to his people further of how there was not a nation in the world whose representatives sat about him that was not glad that he opened the era of a peace that could be had through Christianity of men and justice of nations, and then tell our people how our great America, for the first time in all her history as the first of the nations of the world, was the first voice in civilization on earth crying make way along the path prescribed by the great Master, for "peace on earth and good will to men," think you, then, what these distinguished Senators will do?

I answer they will hear from the great American people, their masters; and, as Wilson has ever gone to the people with every prospect and every project and has ever received upon his measures ever and ever their approval, the distinguished Senators will be found doing what they have ever done—yielding their amiable indorsement and unanimously being behind him, suddenly finding out that to be otherwise is to be self-destroying. Then we will have another repetition of their action growing out of their condemnation of his Mexican policy, the only other instance to parallel the present threat. When Wilson went to the people with his policy the only States in America that bordered on Mexico and knew the truth decided that they would reverse their party political policy of 20 years to stand

behind Wilson, and after that election never a creak from those Senators who were to destroy as in the Senate the Wilson policy as to peace in Mexico.

Senators, we will have a repetition of the same policy of abnegation, surrender, and submission as to this forthcoming world treaty of peace, because it will be the voice of America which will speak to them and bid them obey.

Mr. President, there arises to my mind a picture which I leave the Senate to contemplate. We who have traveled in Pompeii remember that there is to be seen a monument of encrusted lava. It resembles a human being. As we nearer approach it, it takes on the form and visage of a man.

The stranger, asking what it means, is informed that in the eruption of Vesuvius, when the lava poured upon the earth and the flames consumed mankind, when the fiery smoke stifled children to death and women fell fainting, when it seemed hopeless that a human being could escape, one man, the keeper of the gate, rushing through the burning lava, contending against the whirling sparks, blistering his face, and the burning smoke that choked him breathless, reached the outer gate, unbarred it, opened it wide that the children could find fresh air and live, that the fainting women could be rescued and survive, that mankind, such as were left, could look up in hope to God and breathe the fresh air of rescue and preservation. For this is preserved his monument—yet at the gates. In this hour am I too bold to say that when the flames of war are still burning and civilization is still encrusted with the lava that belched from the mouth of the cannon, and children are yet writhing in suffering and agony to which they were exposed and driven in this conflict, when civilization is choking and crying for escape, the one courier of all of the world who rushes through the lanes of fire to open the gate to give to mankind and future humanity peace and life is America, through her faithful watchman, Woodrow Wilson. What hand shall be lifted now to stay, to block his way.

So I appeal to both Senators, to all Senators, as I do to their aids and their supporters—is there not a patriotism which serves country and that rises higher than politics which serve party? At this time is it not the policy that politics stop at the water's edge? That while the President is on foreign soil contesting for the supremacy of the United States he receive the unanimous cooperation of the United States Senate. That they hold high his hands, encourage and inspire his heart, and by their cooperation and indorsement impress upon the minds of every negotiator who shall confront the President that the principal thing which he seeks is the thing which this Nation demands. That in his every voice, his every contention, his every plea, his every demand there is the response and echo from the Congress of the United States to the world, saying, "We are with him—America is behind him—he is our President and as against foreign competitors and in foreign fields of conflict for the supremacy and dignity of the United States, we have one prayer—God speed him—one purpose—victory to his every undertaking!"

Mr. THOMAS obtained the floor.

Mr. SHAFROTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HENDERSON in the chair). The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	King	Overman	Spencer
Culberson	La Follette	Phelan	Sterling
Curtis	Lenroot	Poinexter	Sutherland
Dillingham	Lewis	Pomerene	Swanson
Hale	McCumber	Saulsbury	Thomas
Henderson	McKellar	Shafroth	Townsend
Hollis	McNary	Sheppard	Underwood
Johnson, Cal.	Martin, Ky.	Sherman	Vardaman
Johnson, S. Dak.	Martin, Va.	Smith, Ariz.	Weeks
Jones, N. Mex.	New	Smith, Md.	Williams
Jones, Wash.	Norris	Smith, S. C.	
Kendrick	Nugent	Smoot	

Mr. McKELLAR. The senior Senator from Tennessee [Mr. SHIELDS] is detained from the Senate by illness.

Mr. SUTHERLAND. My colleague, the senior Senator from West Virginia [Mr. Goff], is absent on account of illness.

The PRESIDING OFFICER. Forty-six Senators have answered to their names. There is not a quorum present. The Secretary will call the names of absentees.

The Secretary called the names of the absent Senators, and Mr. MYERS responded to his name when called.

Mr. BORAH, Mr. REED, Mr. KENYON, Mr. HITCHCOCK, Mr. RANSDELL, Mr. CHAMBERLAIN, Mr. CALDER, Mr. TRAMMELL, Mr. FERNALD, and Mr. GRONNA entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-seven Senators have answered to their names. There is a quorum present.

Mr. THOMAS obtained the floor.

Mr. POMERENE. Will the Senator from Colorado yield to me for just a moment?

Mr. THOMAS. Certainly.

RATES ON SECOND-CLASS MAIL MATTER.

Mr. POMERENE. Mr. President, if I may have the attention of the Senator from Utah [Mr. Smoot] for just a moment, I desire to say that the other day, while we were discussing the proposed second-class mail matter legislation, the Senator from Utah made certain statements with regard to Mr. John A. Penton, of the Penton Publishing Co., and his publication. The information which the Senator from Utah had in regard to that matter was not accurate; it wholly misrepresented Mr. Penton's position and the size and the character of his publication. I have before me a letter written by Mr. Penton, in answer to the suggestions of the Senator from Utah, bearing date December 31, 1918. There are two sentences in the letter which are of the same character as some of the utterances by the Senator from Utah with regard to Mr. Penton, but I am going to eliminate them, and I have inclosed them in brackets. I do not desire to trespass upon the time of the Senator from Colorado, but I ask that the letter may be printed in the Record for the information of Senators.

The PRESIDING OFFICER. Is there objection.

Mr. SMOOT. Mr. President, of course I have no knowledge of what is contained in the letter of Mr. Penton, but I do say that the Senator from Utah has not referred disrespectfully in any way to Mr. Penton. My statement regarding him is in the Record, and anyone who is desirous of looking at it may see it. I did say that the information relative to the magazine published by him I received from a gentleman in whom I had absolute confidence. I had his publication here in the Senate at the time I made the statement. He does not publish the Iron Age, as stated by the Senator from Ohio and also by the Senator from Georgia. He is not the publisher of the Iron Age. His paper is published in Cleveland, Ohio, in the center of the iron district, as I stated the other day. Of course, the circulation being largely in the iron district, it comes within the first or second zones, while the Iron Age is published in New York, and in order to reach the center of the iron district must pay an additional rate by the zone system. I am perfectly willing that the letter shall go into the Record, even without my knowing what is in it, and the Senator need not eliminate any part of it, as far as I am concerned.

I do not know Mr. Penton; I have never met him in my life; I never have cast any reflection on his honesty or his integrity, and I do not do so now. I do not care what he states to the contrary in his letter.

Mr. POMERENE. Mr. President, if the Senator from Colorado will pardon me for just one word further, I desire to say that the statement which the Senator from Utah has just made is inaccurate when he indicates that the circulation was merely about Cleveland.

Mr. THOMAS. Mr. President, I do not want to yield for the purposes of a controversy here.

Mr. POMERENE. I am very sorry that I brought this matter up at this time, because I do not care to trespass upon the time of the Senator from Colorado.

I may say, however, that the circulation of a number of these publications is given in this letter and the number of copies which has circulated in each of the several zones. If the Senator from Utah had known the facts he would not have said that the circulation was limited to the first and second zones.

Mr. SMOOT. I did not say that the circulation was limited to the first and second zones, Mr. President. I said that most of the circulation was in the first and second zones.

Mr. POMERENE. But, Mr. President, that statement is not correct, if the statements which are contained in this letter are correct.

Mr. SMOOT. Well, I received my information from a man who is a very close observer and whose business it is to know the circulation of nearly every magazine in the United States.

Mr. POMERENE. I do not care what the source of the information is; suffice it to say that the man who gave the information is one of the men who is being benefited by low-class rates on second-class postal matter.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Ohio that the letter be printed in the Record? The Chair hears none, and it is so ordered.

The letter referred to is as follows:

THE PENTON PUBLISHING CO.,
Cleveland, December 31, 1918.

Hon. ATLEE POMERENE,
Senate Office Building, Washington, D. C.

MY DEAR SIR: The writer has had brought to his attention a statement appearing in the CONGRESSIONAL RECORD of December 23, on page 833, in which Senator SMOOR, while discussing pending legislation in connection with the rate to be charged on second-class matter, has made the following statement:

Referring to me he says, "Mr. Penton does publish a little magazine in Cleveland, Ohio, whose circulation is in the iron industry around Cleveland, and it hardly goes out of the first zone. Of course, under the proposition he would prefer very greatly to have the rate provided in the present law apply to his magazine rather than to have it apply to first-class mail matter." This and several other statements made by Senator SMOOR certainly would not have been made by a gentleman of his standing and position were he at all familiar with the facts, and it is to be regretted that he has depended for his information in all probability on those who know much better but who have willfully misrepresented the facts to him and by thus doing have placed him in a rather embarrassing position.

The statement as made by Senator SMOOR, of course, is absolutely false in every respect. Re attempt to belittle the Iron Trade Review and cast a serious reflection on what is probably the leading iron and steel publication in this country, we cheerfully refer him to anyone engaged in the industry for confirmation of that statement.

Of the current issue of the Iron Trade Review 9,671 copies were distributed to regular list, namely, paid-in-advance subscribers, and this circulation is distributed among the various zones as follows:

	Per cent.
First and second zones	27.82
Third zone	20.54
Fourth zone	37.53
Fifth zone	8.56
Sixth zone	1.30
Seventh zone	.44
Eighth zone	3.81

We would call your attention to the fact that over one-third of this circulation is in the fourth zone, which covers a territory from 300 to 600 miles from this office.

We have another very large and important publication, the only one of its kind in the world, with a circulation of 10,000, namely, the Foundry, whose distribution, according to zones, is as follows:

	Per cent.
First and second zones	19.75
Third zone	20.99
Fourth zone	46.48
Fifth zone	4.99
Sixth zone	2.50
Seventh zone	.64
Eighth zone	4.65

We would call your attention to the fact that nearly half of this circulation is in the fourth zone, from 300 to 600 miles from this office.

We have another publication of very large circulation, namely, Power Boating, whose distribution is as follows:

	Per cent.
First and second zones	16.94
Third zone	11.31
Fourth zone	59.83
Fifth zone	7.87
Sixth zone	1.06
Seventh zone	.23
Eighth zone	2.76

This shows that more than half of the entire circulation is in the fourth zone.

We have another very important paper known as the Marine Review with a very large circulation, whose distribution is as per the following schedule:

	Per cent.
First and second zones	31.48
Third zone	15.05
Fourth zone	36.88
Fifth zone	6.50
Sixth zone	1.94
Seventh zone	1.05
Eighth zone	8.10

We also include the distribution of the Daily Iron Trade and Metal Market Report, which is the only paper of its kind in this country. You will see likewise that one-fourth of the circulation is in the fourth zone:

	Per cent.
First and second zones	31.42
Third zone	23.45
Fourth zone	34.63
Fifth zone	5.79
Sixth zone	1.26
Seventh zone	.20
Eighth zone	2.94

We sincerely trust you may be able to draw Senator SMOOR's attention to the erroneous character of his statement, because as the matter stands it reflects as little credit upon him as it does upon anybody else.

We may say that these statements are the figures on which we pay postage at the Cleveland post office.

Yours, most sincerely,

JOHN PENTON,
President.

LEAGUE OF NATIONS.

Mr. THOMAS. Mr. President, every war must pass through the two phases of armed conflict and peace negotiation. If the first is the more exciting and spectacular, the last is equally serious and may prove the more important. Especially may this be so when, as in this great war, the combat is not that of one nation against another but between groups of nations and world em-

bracing in its character. For the triumphant allies must not only determine the conditions of the peace to be imposed upon their vanquished antagonists but solve grave problems affecting themselves and the new nations now springing from the ashes of Teutonic conflagrations, and finally settle their relations and duties with and toward each other.

The task is virtually without a precedent. Its nearest approach was the congress of Vienna, in which France was treated as an ally and an equal, whose objects were the readjustment of boundaries and the final suppression of democracy, and the congress of Berlin, whose final terms of peace carried the seeds which ripened into the war just ending. In the congress about to assemble the four defeated nations have no voice. The victors' chief concern is to deal with them and also with each other to the end that wars may if possible be avoided altogether.

The task of the allies is immediate and insistent. They must crystallize into concrete form the interests which compelled their entry into the war and endeavor to translate the purposes underlying their action into a permanent code of international law.

The task is threefold in character. It involves the imposition of peace terms upon Germany and her satellites, the recognition and delimitation of the newborn peoples in Europe and Asia, and the establishment of possible of safeguards against the recurrence of international warfare. Having entered the war to vindicate her rights and rid the world of militarism, America's part in this great conference must be a prominent, possibly a controlling, one.

Until then we had carefully observed the counsels of Washington. By inclination also we had held ourselves aloof from Old-World complications. President Monroe fortified our attitude in 1823 by the announcement of his famous doctrine, which instantly commanded, as it has since received, the undivided indorsement of our people. Until in an evil hour in 1900 we acquired the Philippines, our adherence to this doctrine was steadfast and unbroken. We accepted the determinations of The Hague convention, expressly reserving our right to remain free from trans-Atlantic differences.

It was therefore inevitable that we would take part in the war only when the murder of our citizens, the destruction of our vessels, and the persistent violation of our fundamental rights as a neutral nation in disregard of our solemn and repeated warnings made such action unavoidable.

Our justification for war, announced to the world with our declaration of it, was very appropriately followed in due season by an outline of terms for a just and lasting peace. Great Britain had done this, and France as well. The President on January 8, 1918, clearly and felicitously announced the American view to the listening nations. He prefaced his terms by declaring that "What we demand in this war, therefore, is nothing peculiar to ourselves. It is that the world be fit and safe to live in, and particularly that it be made safe for every peace-loving nation which, like our own, wishes to live its own life, determine its own institutions, be assured of justice and fair dealing by the other peoples of the world as against force and selfish aggression. All the peoples of the world are in effect partners in this interest, and for our own part, we see very clearly that unless justice be done to others it will not be done to us. The program of the world's peace is therefore our program."

He then announced the celebrated 14 propositions, not as a national but as a world program for peace. Doubtless before doing this he had conferred and therefore spoke with the sanction of our allies. At home his pronouncement was indorsed and welcomed with singular unanimity. No protest was voiced against it. Even former President Roosevelt for the time punctuated his rôle of chronic opposition to every Executive utterance by keeping the peace. Only from the enemy in arms came dissent and criticism. To this there was one exception.

The third point, relating to the removal of all possible economic barriers to trade conditions, aroused the apprehensions of some of those who regard trade barriers as trade blessings and tariff wars as trade developments. But these were neither vociferous nor widespread.

When the distinguished Senator from Massachusetts was invested with the leadership of his party in August last he signaled the occasion by announcing a peace program, differing principally from that of the President in its proposed treatment of Turkey and her subject peoples, the independence of Poland and the Slavic peoples, the repudiation of the Russian and Roumanian treaties, and the restoration of the Russian Provinces. And the President's reply to the Austrian plea for peace in September carried an abandonment of his announcements regarding the dual and Turkish monarchies. For in the interval

Turkey had collapsed and Austria was in the throes of impending dissolution.

When the Senator from Massachusetts delivered that address the beginning of the end of the war was above the horizon. Very naturally and appropriately, therefore, post-bellum conditions were of immediate importance, and the Senator's illuminating discussion of peace terms attracted and merited national consideration.

Even at that late day but little emphasis was laid upon presidential propositions relating to trade conditions, open diplomacy, freedom of the seas, and a league of nations, now so seemingly important as to dominate all the others. Opposition to them appears to have been quickened into life since the acceptance of the program by enemy nations and the execution of the armistice upon the 11th of last November. Whether this was cause or coincidence is perhaps immaterial, since if the objections to these or any features of the program be sound they should be respected. I think, nevertheless, that much difficulty and misunderstanding might have been obviated by their earlier criticism or disapproval here, since other nations were justified under the circumstances in concluding that the President's announcement of a world program for a permanent peace had behind it the approval of his own countrymen. The belated assurance to the contrary can not be otherwise than disturbing, and may, but I trust will not, impair the prestige or detract from America's influence in the congress of nations.

I speak not wholly as a Pharisee, because I have long entertained serious misgivings regarding the application of the terms "freedom of the seas" and "league of nations" to a concrete international understanding. I have sought enlightenment from more experienced and intelligent sources of information for some time past, both as to their definition and the method of their application to a world's affairs. If they are indispensable to permanent peace, they must be accepted; and, to be accepted, they must be understood. To understand and apply them, if that can be done, is in my humble judgment far more insistent and important than discussions about the power of the Senate to participate in the making of treaties or the duty of the President to seek senatorial counsel in advance of treaty negotiation.

But since this subject has become a burning one, as it always does when an important international situation arises, I shall burden the Senate with my views concerning it, promising at the outset to present nothing either startling or original for your consideration. Every phase of it has been argued by the ablest intellects of the country, and all one has to do at this late day is to accept those conclusions of former statesmen which appeal most strongly to one's judgment and reflection.

In harmony with this suggestion, my opinion is that, being executive in its character, the Senate may exercise the treaty-making power only as expressly authorized by the Constitution to do so. It can neither initiate nor negotiate a treaty. Its advice may be proffered to the Executive, who may or may not regard it. Its advice may be asked by the Executive, who may or may not be governed by it. The Senate may amend or strike out parts of a treaty after its receipt from the Executive. Its ratification is essential to a treaty, but the President may, after such ratification, decline, as he sometimes has, to accept or enforce it, notwithstanding such ratification. The power of the Senate over treaties is remotely analogous to the veto power of the President. The President originates; the Senate accepts, changes, or rejects it. The President is the author; the Senate the reviewer. The President erects the structure; the Senate takes it over with the power to alter the plan as it may desire or throw it into the discard if preferred. With the utmost respect for opposing opinions, I affirm that dissent from this view springs from an undue regard for senatorial authority or a reluctance to clothe the Executive with unlimited control over foreign affairs.

It will be noticed that the treaty-making power is grouped in the Constitution among executive, not legislative, powers. Article II declares that the executive power shall be vested in the President. This is restricted only by the express restriction immediately succeeding and embodied in the words: "He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers, and consuls." His power here is limited only by the consent of the Senate to his treaties, for that consent is the ultimate act and depends not at all upon the element of advice, since the latter may not be asked and since the Senate can consent whether its advice is accepted or ignored.

President Washington's proclamation of neutrality in 1793 was extremely distasteful to certain French sympathizers in

America, who attacked it as an exercise of unauthorized power. Mr. Hamilton came to the defense of the President in a series of letters to the *Gazette of the United States*, in which he considered this entire subject with his usual exhaustive ability. In the first of them he demonstrated that the executive power is vested in the President, subject only to expressed exceptions and qualifications which, being in derogation of such authority, must be strictly construed. I quote briefly from it:

The legislative department is not the organ of intercourse between the United States and foreign nations. It is charged neither with making nor interpreting treaties.

Again:

It is to be remarked that as the participation of the Senate in the making of treaties and the power of the legislature to declare war are exceptions out of the general "executive power" vested in the President, they are to be construed strictly, and ought to be extended no further than is essential to their execution.

Mr. Jefferson, although he incited Mr. Madison to reply to Mr. Hamilton's contentions, wrote, at the President's request, an "Opinion on the powers of the Senate," in which he said:

The transaction of business with foreign nations is executive altogether. It belongs, then, to the head of that department, except to such portions of it as are especially submitted to the Senate. Exceptions are to be construed strictly.

The Senate considers the draft of a treaty submitted to it as it considers a bill upon its calendar. It does not confer with the representatives of the nation with which the treaty is proposed. It neither bargains nor contends with the adversary party. It may not retain the document should the President determine, as he sometimes does, to withdraw it for change or abandonment altogether.

The Senator from Massachusetts has cited many instances in which the Executive has invoked the counsel of the Senate regarding proposed treaties in advance of their negotiation and of covenants or clauses under consideration between this Government and another. This is entirely proper—perhaps highly desirable in all cases—since opportunity is thus given the Senate to commit itself to or against the President's view, thus encouraging or dissuading him in advance of final Executive action. But no number of such instances can establish a right in the Senate to be thus consulted nor estop the President from ignoring the practice at his discretion. That method of procedure commends itself to me as highly desirable at all times, since it would largely expedite ratifications and tend to create a more cordial relation between Senate and Executive and smooth the way for their more speedy cooperation. Senators, like humbler men, are human, and therefore appreciate due recognition by the Executive of their official attributes.

Due to Mr. Roosevelt's cheerful assertion that "it was not only his right but his duty to do anything that the needs of the Nation demanded unless such action was forbidden by the Constitution and the laws," and the shaping of his official conduct to that standard by intervening in Panama and Santo Domingo, the criticism of Congress was aroused on more than one occasion. Very naturally the treaty-making power of the Senate became involved in the President's activities.

This culminated in 1906 in a spirited debate upon the subject between Senators Spooner and Bacon, wherein the Wisconsin Senator in his trenchant fashion asserted and successfully maintained the right of the Executive to control and direct all our foreign relations. This debate possesses an added interest at this time because the Senator from Massachusetts took occasion to say that he did not think it was possible for anybody to make any addition to the masterly statement of the Senator from Wisconsin in regard to the powers of the President in treaty making. The debate will be found in the *Record of the Fifty-ninth Congress*, pages 1417-1421 and pages 2125-2148, and can be read with profit by every Member of this body.

In the course of his discussion Senator Spooner said:

The Senate has nothing whatever to do with the negotiation of treaties or the conduct of our foreign intercourse and relations, save the exercise of the one constitutional function of advice and consent, which the Constitution requires as a precedent condition to the making of a treaty. Except as to the participation in the treaty-making power, the Senate, under the Constitution, has obviously neither responsibilities nor power. From the foundation of the Government it has been conceded in practice and in theory that the Constitution vests the power of negotiation and the various phases—and they are multifarious—of the conduct of our foreign relations exclusively with the President. And he does not exercise that constitutional power, nor can he be made to do it under the tutelage or guardianship of the Senate or of the House or of the Senate and the House combined. The words "advice and consent of the Senate" are used in the Constitution with reference to the Senate's participation in the making of a treaty, and are well translated by the word "ratification," popularly used in this connection. The President negotiates the treaty to begin with. He may employ such agencies as he chooses to negotiate the proposed treaty. He may employ the ambassador, if there be one, or a minister, or a chargé d'affaires, or he may use a person in private life whom he thinks by his skill or knowledge of the language or people of the country with which he is about to deal is best fitted to negotiate the treaty. He may issue to the agent chosen by him—and

neither Congress nor the Senate has any concern as to whom he chooses—such instructions as seem to him wise. That is his concern. The Senate has no right to demand that he shall unfold to the world or to it, even in executive session, his instructions or the prospect or progress of the negotiation. I said "right." I use that word advisedly in order to illustrate what all men who have studied the subject are willing to concede—that under the Constitution the absolute power of negotiation is in the President and the means of negotiation subject wholly to his will and his judgment.

When he shall have negotiated and sent his proposed treaty to the Senate the jurisdiction of this body attaches and its power begins. It may advise and consent or it may refuse. And in the exercise of this function it is as independent of the Executive as he is independent of it in the matter of negotiation. I do not deny the power of the Senate, either in legislative session or in executive session—that is a question of propriety—to pass a resolution expressive of its opinion as to matters of foreign policy. But if it is passed by the Senate or by the House or by both Houses it is beyond any possible question purely advisory and not in the slightest degree binding in law or in conscience upon the President. The President is so supreme under the Constitution in the matter of treaties, excluding only the Senate's ratification, that he may negotiate a treaty, he may send it to the Senate, it may receive by way of "advice and consent" the unanimous judgment of the Senate that it is in the highest degree for the public interest, and yet the President is as free, when it is sent back to the White House with resolution of ratification attached, to put it in his desk never again to see the light of day as he was free to determine in the first instance whether he would or would not negotiate it. That power is not expressly given to the President by the Constitution, but it inheres in the executive power which inheres in him as the sole organ under the Constitution through whom our foreign relations and diplomatic intercourse are conducted. Out of public necessity the President should be permitted to pocket a treaty no matter if every Member of the Senate thought he ought to exchange the ratification. Why? Because the President, through the ambassadors, ministers, consuls, and all the agencies of the Government, explores sources of information everywhere; it is his business to know whether anything has occurred since the Senate acted upon the treaty which would render it for the public interest that the ratification be not exchanged. The President may negotiate and sign a proposed treaty and not send it to the Senate. In such case what would be thought of a resolution asking him to inform the Senate whether he had negotiated such a proposed treaty and why he had not sent it to the Senate?

Mr. Wilson has been condemned for not selecting peace commissioners from the Members of the Senate, as did President McKinley in 1898. Such a commission would be a most competent one if composed of the senior members of the Foreign Relations Committee. But Senators so selected would not represent the Senate upon the commission nor discharge a Senator's duties while serving in that capacity. They would represent and become a component part of the executive department as completely as other members of the commission. The duties of the commission having been discharged, they might, as Senators, feel bound to ratify the treaty they had helped to negotiate as commissioners, yet they would be entirely free as Senators to vote for its rejection. Although foreign to the discussion, I might observe that the President by commissioning Senators to negotiate treaties would doubtless expedite their ratification. The practice might be highly desirable for that practical reason. Delays in ratification by the Senate are the rule and not the exception. Mr. Henry Adams, in his delightful autobiography, quotes Mr. Hay upon this feature of senatorial treaty making:

A treaty of peace in any normal state of things ought to be ratified with unanimity in 24 hours. They wasted six weeks in wrangling over this one and ratified it with one vote to spare. We have five or six matters now demanding settlement. I can settle them all honorably and advantageously on our side, and I am assured by leading men in the Senate that not one of these treaties, if negotiated, will pass the Senate. I should have a majority in every case, but a malcontent third would certainly dish every one of them. To such monstrous shape has the original mistake of the Constitution grown in the evolution of our politics. You must understand it is not merely my solution the Senate will reject. They will reject, for instance, any treaty whatever, on any subject, with England. I doubt if they would accept any treaty of consequence with Russia or Germany. The recalcitrant third would be differently composed, but it would be on hand. So that the real duties of a Secretary of State seem to be three—to fight claims made upon us by other States; to press more or less fraudulent claims of our own citizens upon other countries; to find offices for the friends of Senators when there are none. Is it worth while—for me—to keep up this useless labor?

Mr. Adams adds to this very just reproach of a very capable minister that he had seen a dozen acquaintances struggling with the same enemies; that he had said all there was to say about it in volumes relating to the politics of a hundred years; that the interference of the German and Russian legations and of the Clan-na-Gael with the press and the Senate was innocently disguised; and that the three forces acting with the regular opposition and the natural obstructionists could always stop action in the Senate.

All this, if true—and it is true—condemns the wisdom of the fathers in clothing the Senate with any voice in the ratification of treaties. Its power conjointly with the House to enact legislation in abrogation of treaties would have been and is an ample check upon undue or improper Executive treaty action. Senator Sumner's animosity toward President Johnson prevented our acquisition of the Virgin Islands in 1867 for five or six millions of dollars. This enabled Germany to intrigue against their acquisition for half a century, although their

importance as a safeguard to the Panama Canal is obvious to everyone. Similar situations are apt to arise again, if, indeed, they do not directly confront us. Division of Executive authority is never desirable. It frequently proves dangerous. It must prove embarrassing when it is to be shared between one man and a collective body of men of whom two-thirds must agree if it is to be made effective. Such a disposition of power is indefensible. We may defend it here, but we have by our conduct condemned it as intolerable elsewhere. In 1903 the Colombian Senate rejected the canal treaty. Its right to do so was beyond question, but the American Government expressed its disapprobation by conniving at an insurrection in one of the Colombian States, prevented its suppression by the Colombian Government, recognized the insurgent committee within 48 hours of its creation, accepted the telegraphic appointment of a minister plenipotentiary, and summarily negotiated a previously prepared treaty with him, which the American Senate ratified, thus recording its official disapprobation of a system its membership so stoutly champions upon its own account.

It is far from my purpose to criticize or condemn Senators who differ from me regarding this important subject and who have felt impelled by a sense of public duty to record their disagreement with the Executive's outline of peace conditions in advance of their submission to the Congress. I regret that they have done so, but I recognize that their action is in accord with their convictions of senatorial responsibility. Having done so, however, it is incumbent upon those of us who believe otherwise to make public expression of our views, lest it be gathered from our silence that announcements hitherto recorded embody the common sentiment of the American Senate. I shall therefore burden the Record with a brief outline of my own opinions regarding some features of a treaty of peace.

I am heartily in favor of open covenants of peace if that expression means that the treaty must contain the whole agreement between the treaty-making powers. There must be no more secret understandings between nations, as there never was with our own. Upon this proposition there can be no room for discussion. But I do not agree that all negotiations for these covenants should be open to the public. In peace congresses and in treaty making nations deal with each other as individuals. They must do so in the very nature of things, for treaties are merely national agreements. Nations are but aggregates of individuals; they must conduct their conferences by contact and interchange of views. Unlimited publicity would breed wholesale dissension, provoke controversy, embarrass official delegations, invoke protest, and confound understanding.

Moreover, it is practically impossible. The self-interest of some, if not all, of the participating countries impels in large degree the withholding from public knowledge of their ultimate objectives. This places the candid country at a disadvantage. Suspicion of sincerity is inevitable, and suspicion breeds dissension. A county convention of a political party, harmoniously chosen and harmoniously conducted, may nominate a ticket with unanimity, but behind the scenes and under the surface are many doubts and differences, perhaps dissatisfaction, born of defeated ambitions or thwarted plans. Every politician urging harmony knows this or he would not urge it. And every such gathering carefully safeguards its plans from the adversary, however worthy and altruistic their external structure may appear to be. What is a peace congress but a political convention of the nations or an international legislative body composed of delegates from sovereign powers, each depending upon its own representatives to promote and protect its own peculiar interests? This may be very material and barren of idealism, but it is everlastingly true. An open congress, as to all subjects, is therefore impossible; and being impossible, it would be most improvident to proclaim it as such, for the reaction would come with the grim realization of its Utopian character. Let the proposed treaty be complete and unequivocal, but do not strive to make it so by a process that is foredoomed to failure. The congress will do well, therefore, to conduct its proceedings so that it may reach ultimate conclusions, deliberating publicly only where it can be done with impunity and success.

I am reluctant to speak of economic barriers and trade relations, for in the last analysis that is the real obstacle to an all-embracing entente. Ours is an industrial and commercial age. Every manufacturing nation is prone to safeguard its own markets while invading others. Extension of foreign commerce, the securing of new markets, and the control of raw materials arouse competition, inspire jealousies, create dissensions, and provoke retaliations. The germs of war infest every foreign-trade propaganda. Restrictions and discrimi-

nations collide with each other. The friction always engenders heat, sometimes flaming into conflagration. The great conflict just ended was in large measure a trade war. Germany was fast conquering the markets of the world; she designed by military aggression to secure French and Belgian Channel ports, French and British colonies and dependencies, control of raw materials, world-wide commercial supremacy, and freedom from international competition. The allies and ourselves, so cordial and harmonious, are now watching each other askance, and commercially united chiefly in the common determination to permit no serious German trade competition. Already the air is charged with rumors of British trade ambitions, of French, Italian, and Japanese advantages, of America's need for a new tariff, a high tariff, a Chinese-wall tariff, sealable from within outward, but externally impenetrable. In the lexicon of international commerce equality of trade means only the right to sell without restriction. To my mind the only possible alternative to this entirely human but trouble-breeding situation is the removal of all economic barriers. But that is beyond human power while selfishness constitutes the mainspring of man's policies and progress. I cordially indorse the President's demand for "the removal as far as possible of economic barriers," but I am not overconfident of the possibilities involved in the equation. I agree that this is a bad old world, but I am also conscious that it is a tough old world, bent upon pursuing its lines of least resistance and exemplifying most of the weaknesses while paying tribute to all the virtues of its discordant populations. If it were possible to obliterate economic barriers and establish a true equality of trade relations, this and all other peace programs would reach a speedy solution. Their objects would for the most part establish themselves automatically, and the peace of the world would be disturbed only by domestic wars and internecine conflicts. I shall willingly give my support to any policy regarding this preponderant subject which the peace congress may be able to recommend, however skeptical I may remain regarding the probability of its practical operation.

Freedom of the seas is a vague and indefinable term. Like the peace of God it passeth understanding. It may have as many meanings as differing shades of national or local interests may assert. It is noticeable that the President does not use the term. He declares for "absolute freedom of navigation upon the seas outside territorial waters, alike in peace and in war." This phrase is none too specific, yet perhaps as much so as the subject permits. I understand him to mean that the right of navigation of the high seas, admittedly free in times of peace, shall be equally so in times of war, except as it may be restricted by international action for the enforcement of international covenants; that is to say, of international law. This condition does not apply to territorial waters where the warring nations are supreme and within whose boundaries international action can not become operative.

It may be that effectiveness can not be given to such a proposal without materially transforming the rights and liabilities of neutrals, but since the advent of the submarine these must be changed or the submarine suppressed. But the submarine, as a weapon of naval warfare, has come to stay, and international regulation for its use is imperative. Hence the unavoidable necessity for securing freedom of navigation in times of war under laws which belligerents must be made to respect. This seems to me entirely feasible without placing limitations on Britain's sea power and without at all affecting prevalent rights of navigation. The territorial boundary of waters should for obvious reasons be extended. The 3-mile limit was imposed when it was assumed to be the extreme range of distance for artillery. Hence, it represented the margin of safety from naval projectiles. Measured by the modern standard, this distance should be extended to 30 miles, a margin justified also by the need for protective measures against other modern methods of marine offensive warfare. A new code of international law adaptable to twentieth century conditions, made essential by the experiences of the past four years and designed for the protection of neutral rights, is not only demanded by every consideration of justice but is entirely compatible with any reasonable conception of freedom of the seas.

The naval power of Great Britain has never disturbed the peace of the world. Her supremacy of the sea has been attended by the most liberal commercial policies. All nations have had the same access to foreign ports everywhere, the same freedom of trade, the same markets which her own people enjoyed. Indeed, when we consider German purpose and ambition as disclosed by the events of the war, it may be truly said that the British navy has for years guaranteed the freedom of the seas to all the nations. For us it has been a bulwark for the Monroe doctrine, as it was a warning to Admiral Diederichs at

Manila. Without it Germany would have devastated the seven seas after August, 1914, if, indeed, she had not destroyed the commerce of the world. Potentially, British sea power may menace the common enjoyment of ocean traffic; actually, England is too wise and too conscious of the inevitable reaction of the nations to convert her navy into an instrument of injustice in times of peace. Moreover, all navies are in process of evolution. The development of the submarine, the small and swift torpedo craft, and the hydroplane are even now correcting undue preponderance in battle fleets and affording to each of the great powers a fair start on other and better lines. I am far more concerned with supremacy in the air than with surface control of the sea. There is the new and boundless field for the agencies of war, of commerce, and of navigation. There America may compete in generous rivalry with all lands, there her victories will benefit herself not alone but all peoples everywhere. Then "absolute freedom of navigation" can be secured and made effective by force, if need be, albeit the peace congress should adjourn with its task unaccomplished or but partly performed.

The President's conception of "a general association of nations to be formed under special covenants to afford mutual guaranties of political independence and territorial integrity" was recently described by him as a league "that shall operate as the organized moral force of men throughout the world, and that whenever or wherever wrong or aggression are planned or contemplated this searching light of conscience will be turned upon them and men everywhere will ask: What are your purposes that you hold in your heart against the fortunes of the world?"

At the same time, Viscount Grey said that "it is not necessary for the peace conference to create a league of nations. The conference will itself be a vital beginning of such a league. All that is absolutely necessary is that it should not commit suicide but keep itself alive by adjourning and leaving a permanent organization instead of dissolving itself and destroying its machinery. This is not all that is desirable but all that is essential. A beginning that has in it vitality and power of growth is better than a more complete and more attractive creation that has no life. One is a living thing, while the other is a piece of furniture."

If an organized moral force be what is meant by a league of nations, its formation can not be very difficult, since all men are one in the longing for an effective and enduring peace. But moral forces are not apt to be persuasive with a great nation determined upon war, unless it be sustained by the sanction of actual force. Public opinion rightly directed is organized moral force. Public opinion is the offspring of democracy. A league of democratic nations might therefore generate a moral force sufficiently strong in itself to dissuade belligerents from breaches of the peace.

But moral forces seldom move all the masses in the same direction. Before America's entry into the war our people were divided as to the end toward which our duties pointed. Many good people opposed, while others equally good advocated, our intervention. The application of German force was required for a decision. And the moral viewpoint of a nation is more likely to be influenced by its interest than by any other consideration. There are times, too, when it is very properly aroused for war, when it regards peace as humiliating and disastrous.

Morality is a static element in human affairs, which neither grows nor diminishes. The observance of its essentials may be more active in one age or country than in another, but its quality is essentially unchangeable. Buckle demonstrated that man's progress in civilization was achieved through the development of science and the industries, through the investigation of nature's mysteries and the conversion of her infinite resources to the welfare of mankind. Throughout this marvelous era of expansion morals, like the law of gravitation, have remained the same. During the Middle Ages when the world stood still, while man contemplated this life merely as a state of preparation for a better and a higher one, morals were confounded with religion. They were exalted, but they were not transformed.

If it be true, and I think it is, that man advances and his social condition improves with his extending grasp and domination of material things, and that his happiness and comfort are the outgrowth of the same forces which breed strife and conflict, then it must be true that their peaceful adjustment can not depend with safety upon the possible concentration of static elements upon them. For man is a fighting animal, and life even in the most orderly communities is a continuing contest. We speak of our ambitions, our difficulties, our accomplishments, and our affections in terms of conflict. We practice self-restraint with indifferent success and transfer our battles wherever possible from the field to the forum. This does not change the nature of man, but only his methods of waging

wars. Morality is an invaluable ally of peace and of war when its precepts are duly observed by all. But if depended upon as a controlling influence in international affairs, it is apt, like a poorly tempered sword, to break in the hands at the moment of its greatest need.

The career of The Hague conventions affords some proof of this. They are easily the greatest advance of the nations toward harmony of understanding, for the mitigation of human strife. But their sanction was a moral one. Their structure, carefully and earnestly builded, collapsed like a house of cards with the first breath of the tempest. Their simple and attractive proportions had no rugged strength within and around them. The outline remains and may become the model for a wiser and sadder generation. But the world needs something more heroic, if nations are to be restrained within bounds and compelled to keep the peace.

Enthusiasts like William Ladd have dreamed for years of leagues for peace and formulated basic plans for their creation. Practically all of them recognized the need for a sanction behind them sufficiently adequate to make their decrees effective. The judgments of every court in Christendom, however peaceful and law-abiding the people, depend upon the power of the judges to summon if need be the armed strength of the Government for their vindication. All men respect the visible presence of actual power; many men in every country have no respect for anything else, and it is because of them that power must rest behind governments, whatever their character. "Liberty," said Robert Toombs, "is the blood of the brave. No people can long preserve it who are not ready at all times to die for it."

Confucius preached morality to China 500 years before the birth of Christ. He has since been its patron saint. Her defenseless and chaotic masses follow his precepts and respect his example. No man can question the beauty and worth of his philosophy, nor doubt the unwisdom of relying upon it as a sustaining force in political affairs. Indeed, it may be affirmed that if organized moral force can preserve the peace of the world, the hour of the millennium has struck, and man has reached the zenith of his material and intellectual advancement. I wish I could believe it possible.

I am much more impressed with Viscount Grey's suggestion. Let the victorious league now in force be continued. It is amply competent to keep the peace of the world and adjust all differences between its members. It is welded by a common sacrifice and consecrated to greater service by the achievement of a triumph to which they all contributed. Such an alliance commands respect by the strength it enjoys and inspires confidence by the cause it espoused and vindicated. It may admit other nations to its association as time and experience shall determine. The same sure guides will unfold the needs and suggest the methods for its policies and their enforcement, discover obstacles and difficulties with the way to overcome or avoid them. Indeed, Mr. President, I devoutly believe that an entente between the two great English-speaking nations, whose unhappy differences have, I trust, forever disappeared in the presence of a common danger, and whose friendship has been forged in the fires and sanctified upon the altars of a victory attained by a common sacrifice of blood and treasure, would be the harbinger of an era of peace for all the nations. Their hegemony in world affairs would lead away from strife, promote the administration of justice, respect the rights, the religion, and the aspirations of other and smaller peoples, encourage education, the development of art, science, and all the peaceful pursuits of man. The magnitude of their vast responsibilities and the majesty of their strength would guarantee their continued association, and the influence of their example would be compelling with every people.

Because an alliance actually exists, there is groundwork for its growth into a league. And I think in the nature of things a league must be a growth. It can only find its rudiments in conventions. The difficulties to be considered and reconciled are many. The Senators from Massachusetts, Missouri, and Pennsylvania have emphasized some of them. Others are as readily foreseen. I need only mention the financial burden and its method of distribution, its inclusion of the vanquished nations, of Bolshevik Russia, and the Vatican. For every advocate of the plan assumes the necessity of comprehending all nations within its confines. We can not include Germany until her repentance and reformation have transformed her. We can not include Russia until the hideous nightmare of her Bolshevik delirium shall have passed away. And Italy confronts the Vatican.

Shall the league be an indissoluble one? Should a dissatisfied nation determine to secede, are the batteries of the league to be turned upon it? If so, must it not by the union surrender an important element of its sovereignty? If not, may it not be

dissolved at the pleasure of one or more of its constituents? And if it is permanent, indissoluble, and sovereign will it be a league or the successor of all nations? Questions like these can not be avoided nor is their solution easily attainable.

I do not say these difficulties are insuperable, but I feel sure that only time and experience can surmount them. They will tax the patience and the wisdom of the entente, whose immediate and compelling work is the dictation of peace to Germany and the organization of the nations now springing from the ashes of Turkey and Austria.

With this task the neutral nations are not directly concerned. It is exclusively that of our allies and of ourselves. Germany has but the semblance of a government with which the allies can deal. The nation is in flux and may at any time turn to quicksilver in their grasp. Peace conditions can not be imposed upon a people without a government to accept and obey them. We are now safeguarding the Rhineland border; we may soon be compelled to police Berlin and the confines of Poland. Indemnities are of no avail if there be no authority to collect and deliver them. The winning of a war is fruitless if the enemy melts away under the dissolving agencies of disaster. Let us therefore deal with Germany as summarily as justice will permit. We are not yet at peace. The world is still in revolt, and the burden of the war has not been taken from its shoulders. Until it shall have ended, it can not again settle down and adjust itself to the ancient ways, and it can not end until Germany knows what her sentence is to be. We must have peace before we can enforce it. The treaty must precede everything else, the league included.

Mr. President, I trust that events will justify those who believe in the possibility of securing permanent peace through the establishment of a world's tribunal. And I fervently hope that this great war may mark the close of strife among men. But I apprehend that until human nature shall have profoundly altered, until selfishness and greed, until the passions, the ambitions, and the emotions of men shall have been tempered by the altruism of a brotherhood we have never yet attained, the world will be troubled by wars and rumors of war. A French antiquarian recently announced that he had unearthed more than 3,000 treaties of peace since organized society began, all of them expressly designed to establish permanent peace on earth. The Congress of Vienna wrought to that end and rashly proclaimed its consummation, yet its every signatory was at war within half a century afterwards. The terrific cost and the terrible weapons of modern warfare will be greater deterrents to war than all the programs for its prevention which man's genius can evolve or his industry construct.

"The fate of nations," said Gov. Black, "is still decided by their wars. You may talk of orderly tribunals and learned referees; you may sing in your schools the gentle phrases of the quiet life; you may strike from your books the last note of every martial anthem, and yet out in the smoke and thunder will always be the tramp of horses and the silent, rigid, upturned face. Men may prophesy and women pray, but peace will come here to abide forever on this earth only when the dreams of childhood are accepted charts to guide the destinies of men. Events are numberless and mighty, and no man can tell which wire runs around the world. The nation basking to-day in the quiet of contentment and repose may still be in the deadly circuit and to-morrow writhing in the coils of war."

Mr. President, I am not apprehensive of any great international war until the horrors and desolation of this one shall have been forgotten in the excitements of some great upheaval. But I am concerned with the prospect of internal strife arising from the social, economic, and political unrest everywhere observable. I need go into no detail regarding Russia. But the chaos there prevalent seems infectious. The seeds of the bloody disorder blown westward by the winds of heaven are lodging and taking root in other soils. It can not be that we have overthrown autocracy only to prepare the world for Bolshevism. If that be so, we have made it worse than it ever was. A recent writer has described autocracy as organized hell and Bolshevism as hell broke loose. It is a despotism of murder, arson, and robbery enthroned, more deadly than Romanoff absolutism, more destructive than Teutonic warfare. It surpasses the barbarism of the savage. It must be stamped out as a nest of vipers, or its consuming fires may envelop the world in universal conflagration.

Mr. President, the glowing tributes to the heroic virtues and to the sentimental elements of human nature now so prevalent are timely and attractive. But I am unable to perceive that these qualities have been stimulated into universal activity. They are not apparent in the recent pronouncements of labor, in the aspirations of capital. The nations are girding their loins for the approaching economic struggle. Tariffs, protective and

punitive, combinations to restrain and promote trade, the struggle for existence seem quite as aggressive as in the ante-bellum period. The advocate of the torch and the bomb, as the drastic but essential remedies for every social disorder, is plying his trade as though it had not been interrupted. The golden rule still yields to the rule of gold and men applaud the announcement of doctrines whose precepts, though beautiful, give no promise of material return.

Some of the peoples just freed from Teutonic oppression are signaling their deliverance by the slaughter of aliens within their midst. Class appeals to violence in some of the allied countries mingle their voices in the general acclaim of victory. In free America the I. W. W. preach and practice the gospel of destruction; anarchy disseminates its poison among the discontented; wealth has not fully learned its lesson from the experiences of the recent past; strike breakers are dynamited and negroes lynched as they were in our era of peace and prosperity. The foremost advocates of a league for peace clamor for armies far outnumbering the establishments of the old order that has passed and for navies that shall overspread the seven seas. These conditions can not endure forever. They are not within the purview of leagues for peace. What shall it profit the nations if in securing peace between themselves they shall be torn to pieces by their own embittered populations? These are the dangers just ahead. Let us not overlook them by looking to the sky line beyond them. Let us see to it that they are avoided.

Mr. President, I entertain very decided opinions upon armaments and the economic policies of the great powers toward each other and the lesser peoples. But I shall not express them now. When the Navy bill reaches the Senate I shall probably do so. For the present I need only add that I recognize the Executive as the depository of the treaty-making power. He should be free to exercise it as to him seems best for the country. His is the immediate responsibility. I have every confidence in the loftiness of his purposes, the integrity of his aims, and the measure of his ability at this crisis in our diplomatic history. Reserving my judgment upon the finished work of the commission when it comes to the Senate for approval, I confidently predict that President Wilson will acquit himself well before the nations and to the ultimate satisfaction of his countrymen.

Mr. BORAH. Mr. President, before the Senator takes his seat I desire to ask a question. The Senator, speaking of the first principle of the 14 points, with reference to secret diplomacy, was of the opinion that negotiations should be in secret, as I understood him.

Mr. THOMAS. Except where the negotiations may be public without in any wise affecting or being dangerous to the ultimate purpose of the conference.

Mr. BORAH. The thought that occurred to me—leaving out for the present the general principle of secret or open diplomacy—is what reason can there be for maintaining any secrecy at all with reference to a treaty which is to be imposed upon or submitted to the conquered nations? They are not present, and publicity could not arouse any feelings such as the Senator speaks of. We are simply meeting there as friends and allies to impose upon the conquered nations certain conditions. What reason can there be for having secrecy about anything of that kind?

Mr. THOMAS. It is impossible, Mr. President, for me to forecast the situation as it is bound to unfold itself in that conference from day to day. On the other hand, it is impossible for me to conceive of a conference whose purposes are so numerous and so mighty as that which is about to assemble, without assuming the presence of questions which, to be settled peaceably, must be settled among themselves, and which, if given world-wide immediate publicity, will tend to destroy rather than to promote the purposes of the conference.

Mr. BORAH. Mr. President, the Senator leaves out of the conference, it seems to me, a body which ought to be taken into consideration, and that is the great mass of the people who really fought and won the war and who are to be bound by the treaty. Why should not they be informed as to what these conditions are prior to the time they are bound by them?

Mr. THOMAS. If those who fought the war, the armies, are to be informed of everything preceding the treaty, then they should make it and not their accredited delegates. I have not said, at least I am not conscious of having said, that the framework of the treaty and the basis of it should not be submitted to everybody before its ratification. If I have created that sort of an impression, I have been unfortunate in my use of language.

Mr. BORAH. The Senator is never unfortunate in that respect.

Mr. THOMAS. I do not mean that the treaty should be completed by the conference in the sense that it is not to be sub-

mitted to the people of the various nations concerned after it has been virtually ratified.

Mr. BORAH. The Senator would not be in favor, for instance, of a completed instrument which should be brought here and ratified in secret session before the people were informed of its details?

Mr. THOMAS. Oh, no; not at all. I would be perfectly willing, in considering a treaty of this kind, to cast my vote, unless I change my mind, for open sessions for its consideration by the Senate, but then we have to act upon it as it has been framed and submitted to us for our consideration.

Mr. BORAH. Does not the Senator think that any substantial terms of the treaty, any substantial provisions, ought to be made public before the treaty is finally agreed upon?

Mr. THOMAS. Absolutely. It is the negotiations leading up to that conclusion, which may not be permanent, which in the public interests, in my judgment, in nine cases out of ten should be discussed privately.

THE MEAT-PACKING INDUSTRY.

Mr. HITCHCOCK obtained the floor.

Mr. KENYON. Mr. President—

The PRESIDING OFFICER (Mr. HOLLIS in the chair). Does the Senator from Nebraska yield to the Senator from Iowa?

Mr. HITCHCOCK. I yield.

Mr. KENYON. Mr. President, I wish, if the Senator will permit me, to ask unanimous consent to have the Committee on Interstate Commerce discharged from the further consideration of a bill introduced by me, being Senate bill 5248, and have the bill referred to the Committee on Agriculture. I will say, if the Senator will pardon me, that I introduced this bill by request, being the same bill that is now in the House, with reference to the control of packing houses. I felt that it should go to the Committee on Interstate Commerce. The purpose of introducing the bill, however, was to have hearings in the Senate at the same time that they are being conducted in the House. That can not be done if the bill stays with the Interstate Commerce Committee of the Senate. I have consulted the chairman of that committee, the Senator from South Carolina [Mr. SMITH], and the ranking minority member of the committee, the Senator from Iowa [Mr. CUMMINS], and both are agreed that these hearings could not take place before that committee for a month. It can just as well be done by the Agricultural Committee. Witnesses are to be here from some 1,500 miles who would otherwise have to be brought back. That is my reason for making this request.

The PRESIDING OFFICER. Is there objection?

Mr. SMOOT. I should like to ask the Senator from Iowa if he will not withdraw that request for the present and bring it up to-morrow when there is a fuller attendance of the Senate?

Mr. KENYON. Yes; if there is any objection to it to-day.

Mr. SMOOT. I ask that it go over until to-morrow.

Mr. KENYON. I will withdraw the request at this time and renew it to-morrow.

CLAIMS AGAINST MEXICO.

The PRESIDING OFFICER. The Senator from Nebraska [Mr. HITCHCOCK] has the floor.

Mr. KING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. HITCHCOCK. I yield.

Mr. KING. Mr. President, I submitted a day or two ago Senate resolution No. 399, which is now upon the table. I move that it be taken from the table, and that the Senate proceed to its consideration.

The PRESIDING OFFICER. The question is on the motion of the Senator from Utah, that the Senate proceed to the consideration of Senate resolution 399.

Mr. THOMAS. Let the resolution be read.

The PRESIDING OFFICER. The Secretary will read the resolution.

The Secretary read the resolution, as follows:

Whereas claims aggregating millions of dollars in compensation for damages to property and for personal outrages and destruction of life, suffered by American citizens in the Republic of Mexico, have been filed with the Department of State for presentation to the Government of Mexico; and

Whereas some years have already intervened between the commission of such damages and outrages and no progress is apparently being made toward the liquidation, settlement, and payment of such claims: Now, therefore, be it

Resolved, That the Secretary of State be, and he is hereby, directed to report to the Senate whether or not said claims have been presented to the Government of Mexico, and what steps and measures are being taken to prosecute such claims and to liquidate and settle the same, and if said claims have not been presented, then to report to the Senate what steps and measures are contemplated to be taken with respect thereto and when the department will proceed with the same.

Mr. HITCHCOCK. I suggest that is a matter which properly should go to the Committee on Foreign Relations for action.

Mr. KING. Mr. President, I believe the time has come when this Government can, with propriety and, indeed, with justice, request the Republic of Mexico to make just compensation for the injuries inflicted upon American citizens who were rightfully in Mexico, as well as for damages to property which American citizens owned within the territorial limits of Mexico. This resolution challenges attention to this matter and may be regarded as preliminary to a pressing of claims which, under international law, the Republic of Mexico should meet. Not only millions and tens of millions of dollars in value of American property have been confiscated and destroyed by Mexicans, and in many instances by the military forces of the Government of Mexico, but many Americans have been subjected to physical violence and indignities at the hands of Mexican citizens, and a considerable number have been killed. American citizens who have been the victims of wrongs and injustices in Mexico have filed with the State Department in this city claims against the Government of Mexico amounting to several hundred millions of dollars. As the resolution recites, years have intervened between the commission of the wrongs and outrages which offer the basis for claims for damages, and no progress has been made toward the liquidation, settlement, or payment of the same. In my opinion, the United States has been generous in her treatment of the Mexican Republic. Our Government has exhibited the utmost patience and forbearance in her dealings with our neighbor Republic and the Mexican people. President Wilson has been the true friend of Mexico. He desired the welfare of the Republic and the happiness and the prosperity and liberty of the Mexican people. In every possible way he sought to prove the disinterested friendship that this Republic had for the Mexican people. Evidences are not wanting that the patience and friendship exhibited by President Wilson and by the American people have not brought forth a response from Mexico and her people that would be indicative of a reciprocal feeling upon the part of the latter. In the great world conflict through which we have just passed, Mexico evinced no friendship for the allied cause and no appreciation for the great work which was performed by this Nation. Indeed, I think the evidences are manifest that Carranza and his Government were pro-German rather than proally or neutral.

One would have thought that in view of the great principles for which the allies were fighting, and in view of the sincere regard which this Republic, particularly under Mr. Wilson's administration, had exhibited in behalf of Mexico and her people, that in the hour when the lines were drawn between the forces of liberty and freedom and those of autocracy our sister Republic and her people would have enthusiastically raised their voices in support of the forces contending against the central empires. Not only would this course have been just and humane but it would have been some compensation for the kindness and favors and friendship bestowed by the United States upon Mexico. During the war, and particularly after the United States entered the conflict, the present Government of Mexico not only failed to show sympathy with the allies and their aims but opposition was clearly manifested, and to our Government there was, I was about to say, open hostility—indeed, I shall not change the word—shown toward our Government.

How different was the course of Brazil and other Republics in South and Central America. The people of the United States will ever remember with deep appreciation and gratitude the fact that Cuba, Brazil, and other Republics to the south of us showed their abhorrence to the practices, policies, and contentions of the central powers and their approval of the aims and purposes of the allied nations. They became, as it were, partners with those nations that were carrying the standard of civilization and seeking to uphold the cause of freedom in all the world. Mexico chose a different course. She sought an inglorious and unenviable isolation.

Mr. President, the time has come when Mexico must meet the just demands of American citizens. The injuries and damages which they have sustained at the hands of Mexico and her people must be paid for. The hand of death is claiming many of those who have thus suffered. As time goes by the proof of the damages sustained becomes more difficult to secure. Compensation should be made to those who have suffered before the payment would be too late to be of advantage to them. International law and treaties have been violated and American rights have been trampled upon. This resolution should be promptly passed, and when the State Department has furnished the information sought, if it appears that further steps should be taken in order to enforce the rights of the American people, then I feel sure there would be no hesitation in proceeding along the lines of justice with vigor and promptitude.

Mr. HITCHCOCK. I hope the Senator will not press this matter this afternoon. I rose to move an executive session. I am very sure he would not be able to get his resolution through this afternoon. I will say if he will have it referred to the Committee on Foreign Relations, I will secure for it consideration next week, at the next session of that committee, and I believe it will be expedited. It is a little better to consult the Secretary of State before asking him to reveal here the relations that may be in existence between the State Department and the Mexican Government.

Mr. KING. I appreciate that certain formalities are sometimes required and indulged in with respect to resolutions calling for information from or action on the part of some governmental department, and particularly that department which has to do with our foreign relations; but I can not conceive of any objection to the passage of this resolution. I am frank to confess, however, that I know what the information will be. I have had a number of conferences with officials of the State Department. I will not disclose, of course, the information conveyed or the matters under discussion. I shall be equally frank in stating that I shall attempt to secure some action which it is quite likely this resolution will not secure in order to compel the Mexican Government to meet the just claims of American citizens. I am perfectly willing, however, to follow the suggestions of the chairman of the Committee on Foreign Relations and will, therefore, not object to the resolution being referred with the understanding that the committee act upon the same at the earliest possible moment.

Mr. SMITH of Arizona. Mr. President, I am extremely anxious to see the resolution, which has just been read, passed as early as possible. I was hoping that the Senator would let it lie on the table for the present and that by our efforts we might get it up to-morrow or at some very early date. The committee meets next Wednesday, as I am informed by the chairman. Inasmuch as the reference of the resolution seems to have been consented to I shall not take the time of the Senate now to give a little history of our relations with Mexico since these outrages first occurred.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Utah? The Chair hears none, and the resolution is referred to the Committee on Foreign Relations.

PROMOTIONS IN THE ARMY.

Mr. KING. Mr. President, a day or two ago I submitted Senate resolution No. 398 and asked its reference to the Committee on Military Affairs. I have spoken to the chairman of that committee and he has no objection to the committee being discharged from the further consideration of the resolution and having it adopted by the Senate. Therefore, I move that the Committee on Military Affairs be discharged from the further consideration of the resolution and that the Senate proceed to its consideration. It will only take a minute.

Mr. SMOOT. Will not my colleague divide that motion and first have the committee discharged from the further consideration of the resolution?

Mr. KING. Yes. I move, first, that the Committee on Military Affairs be discharged from further consideration of the resolution.

The PRESIDING OFFICER. The question is on the motion of the Senator from Utah that the Committee on Military Affairs be discharged from further consideration of Senate resolution No. 398.

Mr. JONES of Washington. Mr. President, let the resolution be read.

Mr. NEW. I should like to have the resolution read.

The PRESIDING OFFICER. The Secretary will read the resolution.

The Secretary read the resolution, as follows:

Whereas prior to the signing of the armistice a large number of enlisted men in the Army had been recommended for commissions and many officers had been recommended for promotion, and such recommendations were pending in the War Department when said armistice was signed; and

Whereas an order was issued by the Secretary of War which resulted in no action being taken upon said recommendations, or either of them; and

Whereas officers and enlisted men who were so recommended are being discharged from the service without said recommendations being acted upon; and

Whereas no good and sufficient reason appears for failure to act upon said recommendations, and justice and good faith would seem to require affirmative action thereon: Therefore be it

Resolved, That the Secretary of War be directed to report to the Senate whether a modification or revocation of said order is contemplated, and if not, what reasons exist for failing to act upon said recommendations.

Mr. HITCHCOCK. Mr. President, I see no objection to the adoption of this resolution, but I will say to the Senator, for his information, that the Committee on Military Affairs had

up this morning the question involved, and sent to the department for consideration and report several bills and resolutions having the same purpose. We expect to have the information in the committee from the War Department within a few days as to the number of men involved and other facts connected with the matter. However, there is no objection to the adoption of this resolution, if the Senator desires to press it.

Mr. PHELAN. As a matter of information, the Secretary of War is reported as having said the men recommended for promotion after they have been disenrolled are still eligible to the promotion recommended in the reserves. Is the Senator informed on that subject?

Mr. HITCHCOCK. That is a somewhat different question. The committee desired to get information as to how many men had been recommended for promotion and by whom the recommendations were made. The captain of a company may recommend a man for promotion, but the colonel of the regiment may not approve it; and that would hardly be such a recommendation as would be entitled to full consideration. The committee is seeking to get from the War Department full information on that matter.

Mr. PHELAN. My information was that Gen. Pershing had made many recommendations which were cut off by the signing of the armistice.

Mr. HITCHCOCK. That is undoubtedly true.

Mr. PHELAN. But that he did not exercise that privilege in the matter of the Medical Corps; that the Secretary when abroad instructed him to include the Medical Corps; and in answer to an interrogatory the Secretary said that such officers would receive their promotion in the reserves after their disenrollment.

Mr. SMOOT. The statement made by the Senator is correct; but many of the men who had been recommended for promotion in the Army before November 11 have no desire whatever to remain in the Reserve Corps. They have earned their promotion, but the order issued by the Secretary of War prevents the promotion being granted. There is no question that the statement made by the Senator is correct; but the subject we are discussing now relates to the men who have earned their promotions and were recommended before November 11.

Mr. PHELAN. Mr. President, I am strongly in favor of the adoption of the resolution, because I think the recognition should be granted, and it will involve no expense to the Government.

Mr. KING. Mr. President, a large number of men have risen from the ranks to the position where by their valiant service they have been recommended for promotion and were about to be promoted when this blanket order of November 11 prohibited further action. Many officers who likewise have rendered excellent service have been recommended for promotion, and they, too, by the operation of this order were prohibited from receiving their promotions. It seems to me that a blanket order of that character is rather unfortunate. This resolution inquires into the purpose of it, whether there is a probability of its revocation, and asks for general information upon the subject. I think there can be no objection to the passage of the resolution.

Mr. JONES of Washington. Mr. President, may I ask the Senator whether or not he would have any objection to having included in the resolution an inquiry of the Secretary of War as to how many men would be affected? I understand that the committee has made inquiry about that.

Mr. THOMAS. The Committee on Military Affairs expects to have that information in a very few days.

The PRESIDING OFFICER. The Chair will state that the matter of amending the resolution will come up after the main motion has been disposed of.

Mr. JONES of Washington. I understand that; but I wanted to know from the Senator whether he would have any objection to having included in the resolution an inquiry as to the number of men who would be affected by it?

Mr. KING. I have no objection to that.

Mr. LENROOT. Mr. President, will the Senator yield to me?

Mr. KING. I yield to the Senator.

Mr. LENROOT. I should like to ask the Senator his view as to whether the language of this resolution would include those men who had entered officers' training camps, but had not received commissions prior to the signing of the armistice?

Mr. HITCHCOCK. They are not involved.

Mr. LENROOT. But are they not?

Mr. HITCHCOCK. No; they will get their commissions when they have earned them.

Mr. KING. That is my information.

Mr. SMOOT. I will say to the Senator that if they complete their course they get their commissions; there is no doubt about that at all.

Mr. HITCHCOCK. It is up to them.

Mr. SMOOT. But it is up to them as to whether they want to get their commissions. If they desire commissions, they must complete their course; but if they leave before completing the course, then they do not get commissions.

Mr. LENROOT. I will say that what prompted me to make the inquiry was this: I have only this morning had one letter from an enlisted man who had entered a training school in France. He has been recommended for a commission.

Mr. THOMAS. If he has been recommended, then the bill which I introduced would cover his case.

The PRESIDING OFFICER. The question is on the motion of the Senator from Utah that the Committee on Military Affairs be discharged from the further consideration of Senate resolution No. 398.

The motion was agreed to.

Mr. KING. I move that the Senate proceed to the consideration of the resolution.

The PRESIDING OFFICER. The question is on the motion of the Senator from Utah.

The motion was agreed to, and the Senate proceeded to consider the resolution.

Mr. JONES of Washington. As I understand from the Senator from Nebraska, the Committee on Military Affairs has inquired of the Secretary of War for information as to how many men will be affected by the order referred to in the resolution.

Mr. HITCHCOCK. I so understand.

Mr. JONES of Washington. Then I will not ask to have the resolution amended.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

EXECUTIVE SESSION.

Mr. HITCHCOCK. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session, the doors were reopened.

ADJOURNMENT TO MONDAY.

Mr. HITCHCOCK. I move that when the Senate adjourns today, it adjourn to meet on Monday next at 12 o'clock noon.

The motion was agreed to.

ADJOURNMENT.

Mr. HITCHCOCK. I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 40 minutes p. m.) the Senate adjourned until Monday, January 6, 1919, at 12 o'clock meridian.

NOMINATIONS.

Executive nomination received by the Senate January 3, 1919.

UNITED STATES DISTRICT JUDGE.

R. L. Williams, of Durant, Okla., to be United States district judge, eastern district of Oklahoma, vice R. E. Campbell, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 3, 1919.

BOARD OF GENERAL APPRAISERS.

George E. Weller to be a member of the Board of General Appraisers of Merchandise at New York.

POSTMASTERS,

NORTH DAKOTA.

Arthur L. Young, Bowman.

Pearl C. Forslof, Warwick.

HOUSE OF REPRESENTATIVES.

FRIDAY, January 3, 1919.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, our Heavenly Father, out of the issues of whose great loving heart come all the rich and varied blessings of life, temporal and spiritual, which, if assimilated and made dominant in the soul of man would transform the world into a veritable paradise, help us, we beseech Thee, to overcome the evils which doth so easily beset us—selfishness, greed, covetousness, envy, jealousy, hatred, revenge, egotism, and all that makes for evil—that we may be strong, pure, noble, holy. In the Spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. FARR, temporarily, on account of illness in his family.
To Mr. FAIRFIELD (at the request of Mr. Wood of Indiana), for one week on account of illness.

THE LATE REPRESENTATIVE J. FREDERICK C. TALBOTT.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent that Sunday, February 9, 1919, be set aside for addresses on the life, character, and public services of the Hon. J. FREDERICK C. TALBOTT, late a Representative from the State of Maryland.

The SPEAKER. The gentleman from Maryland asks unanimous consent that Sunday, February 9, 1919, be set aside to memorialize the late Representative TALBOTT. Is there objection?

There was no objection.

CONTESTED ELECTION CASE—WICKERSHAM AGAINST SULZER.

Mr. WILSON of Louisiana. Mr. Speaker, I call up the contested election case of Wickersham against Sulzer, and ask that the Clerk report the resolutions.

The SPEAKER. The Clerk will report the resolutions.

The Clerk read as follows:

House resolution 492.

Contested-election case—Wickersham v. Sulzer.

Resolved,

1. That Charles A. Sulzer was not elected a Delegate to the House of Representatives from the Territory of Alaska in this Congress and is not entitled to retain a seat therein.

2. That James Wickersham was duly elected a Delegate to the House of Representatives from the Territory of Alaska in this Congress and is entitled to a seat therein.

Mr. WILSON of Louisiana. Mr. Speaker, my understanding of the rule is that if we proceed without fixing a time for debate we proceed under the rules of the House, and that any Member who secures recognition will be entitled to have an hour.

The SPEAKER. That is correct.

Mr. MANN. Mr. Speaker, will the gentleman from Louisiana yield?

Mr. WILSON of Louisiana. Yes.

Mr. MANN. Would it not be better, if practicable, to fix the time for debate in this case?

Mr. WILSON of Louisiana. I do not know. I do not imagine that it will take up any more time to proceed under the rules of the House.

Mr. GARRETT of Tennessee. Is this a unanimous report? There is no minority report filed.

Mr. WILSON of Louisiana. Yes; it is a unanimous decision of the committee.

Mr. MANN. I understand that the Delegate from Alaska [Mr. SULZER] and possibly others desire to be heard in opposition to the report of the committee.

Mr. WILSON of Louisiana. That is true.

Mr. MANN. It would be a matter of great convenience to the House if they could tell something about when the vote would be had upon the resolution.

Mr. WILSON of Louisiana. It would be the intention to have the vote some time to-day. I do not think there is any doubt about that. It is hard to tell how much time will be necessary.

The SPEAKER. Has the gentleman from Louisiana any time limit to suggest?

Mr. POU. Mr. Speaker, will not the gentleman prefer a request for unanimous consent to fix the time? There is no minority report filed in this case, and, as the gentleman is well aware, there is another matter of very great importance that is desired by a great many Members to have disposed of to-day, if possible. I suggest to the gentleman the advisability of making a request and fixing the time.

Mr. WILSON of Louisiana. I would not like to make a request that would shut anybody off who desires to be heard. I am not advised as to how much time is desired.

Mr. WALSH. Mr. Speaker, this is a matter of great importance, and we ought not to undertake the consideration of it with a handful of Members here. I make a point of order that there is no quorum present.

The SPEAKER. The gentleman from Massachusetts makes the point of order that there is no quorum present. The Chair will count. [After counting.] Ninety-six Members present, not a quorum.

Mr. WILSON of Louisiana. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed.

The Clerk called the roll, and the following Members failed to answer to their names:

Anthony	Eagan	Juul	Rogers
Ashbrook	Emerson	Kahn	Rowland
Benson	Essen	Keams	Russell
Black	Estopinal	Kennedy, R. I.	Sabath
Blackmon	Fairchild, B. L.	Key, Ohio	Sanders, La.
Borland	Fairchild, G. W.	Kless, Pa.	Sanders, N. Y.
Brand	Fairfield	Kitchin	Sanford
Brodbeck	Farr	Kreider	Saunders, Va.
Brumbaugh	Ferris	Lampert	Scott, Iowa
Burroughs	Fields	Langley	Scott, Pa.
Byrnes, S. C.	Flynn	Lehbach	Scully
Caldwell	Focht	Lunn	Sells
Candler, Miss.	Francis	McClintic	Shackleford
Carew	Fuller, Mass.	McCulloch	Shallenberger
Carter, Mass.	Gallagher	McFadden	Sherley
Carter, Okla.	Gallivan	McKenzie	Shouse
Cary	Garland	McKinley	Slomp
Church	Goodall	McLaughlin, Pa.	Smith, Mich.
Clark, Fla.	Graham, Ill.	Maher	Smith, C. B.
Clark, Pa.	Graham, Pa.	Martin	Snell
Connally, Tex.	Gray, N. J.	Mason	Snyder
Cooper, Ohio	Greene, Vt.	Miller, Minn.	Stafford
Cooper, W. Va.	Gregg	Moon	Sterling
Copley	Griest	Morin	Sullivan
Costello	Griffin	Mott	Summers
Crago	Hamill	Mudd	Swift
Currie, Mich.	Hamilton, N. Y.	Nelson, A. P.	Switzer
Curry, Cal.	Harrison, Va.	Nelson, J. M.	Tague
Dale, Vt.	Hayes	Nichols, Mich.	Temple
Davis	Heaton	Norton	Templeton
Decker	Heflin	Oliver, N. Y.	Thomas
Delaney	Helntz	Olney	Tilson
Dent	Helm	O'Shaunessy	Tinkham
Dewalt	Helvering	Park	Van Dyke
Dominick	Hood	Parker, N. Y.	Waldow
Donovan	Houston	Pratt	Welty
Dooling	Hull, Iowa	Price	Whaley
Doughton	Humphreys	Purnell	Williams
Drane	Husted	Quin	Wilson, Ill.
Drukker	Hutchinson	Ragsdale	Winslow
Dunn	Ireland	Rainey, J. W.	Wise
Dupré	Jacaway	Riordan	Wright
Dyer	Johnson, S. Dak.	Roberts	Young, N. Dak.

The SPEAKER. On this vote 260 Members answered to their names, a quorum.

Mr. WILSON of Louisiana. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will unlock the doors.

CHANGE OF REFERENCE.

Mr. GARD. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. GARD. Mr. Speaker, I ask for a change of reference of House joint resolution 377, introduced by me on yesterday and referred to the Committee on Military Affairs. I ask to have it referred to the Committee on the Judiciary.

The SPEAKER. What is it about?

Mr. GARD. The joint resolution has for its purpose the extending of the thanks of Congress to members of the American Protective League, an organization auxiliary to the Department of Justice.

The SPEAKER. Without objection, the bill will be so referred.

There was no objection.

Mr. TAYLOR of Colorado. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Colorado rise?

Mr. TAYLOR of Colorado. I want to call attention to the reference of another bill, which, I think, has been wrongly referred. It is in the Record of December 30, page 930. It is Senate bill 1847, referred to the House Calendar, and it should have been referred to the Union Calendar.

The SPEAKER. What is it about?

Mr. TAYLOR of Colorado. It is granting a large quantity of land to one of the forest reserves in the State of Wyoming. It pertains to the public domain, and really ought to be on the Union Calendar. I think it has been inadvertently referred, for such bills heretofore have gone to the Union Calendar.

The SPEAKER. The Chair does not fix the calendar.

Mr. TAYLOR of Colorado. I do not know how to get at it, but I think it ought to be referred from the House Calendar to the Union Calendar.

The SPEAKER. What is the number of it?

Mr. TAYLOR of Colorado. Senate bill 1847.

The SPEAKER. The gentleman from Colorado asks that Senate bill 1847 be referred to the Committee on Public Lands—

Mr. TAYLOR of Colorado. No; to the Union Calendar of the House. It is now on the House Calendar.

The SPEAKER. Be referred from the House Calendar to the Union Calendar. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object—I do not think I shall object to referring any bill to the House calendar, but I would like to know what the bill is.

Mr. TAYLOR of Colorado. It is a bill incorporating quite a large territory in the State of Wyoming into one of the national forest reserves. It has the approval of both the Interior Department and the Agricultural Department. I reported the bill from the Committee on Public Lands, and the bill belongs to the Wyoming Senator and Representative.

Mr. MANN. It is a matter of change of reference for the Speaker whether unanimous consent is given or not; but I think nobody has any objection.

The SPEAKER. Well, let it go, then. The gentleman from Louisiana.

CONTESTED-ELECTION CASE—WICKERSHAM AGAINST SULZER.

Mr. WILSON of Louisiana. Mr. Speaker and gentlemen of the House, I am very glad for an opportunity to transfer the responsibility of this complicated contested-election case to the House. The committee have given rather unusual consideration to this case. We felt the responsibility of deciding the case according to the law and the evidence and of making a correct report to the House of Representatives for what action it might deem necessary or fit to take in the premises. This contest arose in Alaska out of the election of November 7, 1916. When the returns were all in and canvassed there was a majority in favor of the contestant, Wickersham, of 31 votes. The matter of canvassing the election in Alaska is different from that of any State or any other country so far as I know. The act of Congress providing for the election of a Delegate from Alaska created a canvassing board consisting of the governor, the collector of customs, and the surveyor general. To this board was to be sent the complete returns from the various precincts of the Territory. To this canvassing board, under the act of Congress providing for the election of a Delegate from Alaska, was to be sent from the various precincts the election returns. This board, in my opinion, has rather unusual powers, because the law directing that it meet and canvass these returns does not fix any time limit upon how long this canvass may continue. In fact, the canvass in this case appeared to extend over several months, due to the fact that the election returns were very much delayed and reported very slowly. The law further provides that the board after canvassing the returns in the various precincts shall issue a certificate of election to the candidate having the greater number of the votes. Well, upon the completion of this canvass of this election some time about the 1st of March, 1917, the board was prepared to issue certificate to Mr. Wickersham, as the returns showed that he had a majority of 31 votes. Then a proceeding was taken in the United States district court by Mr. Sulzer, asking that a writ of mandamus be directed to this canvassing board commanding them to reject the returns at seven precincts and to issue a certificate of election to the contestee, Mr. Sulzer. To this writ the members of the board answered, and their answer is set out fully in the report of the committee, and upon this answer some time—I think about the 23d of March—the judge of the district court for the first division—I think it was—of Alaska issued a writ of mandamus directed to the canvassing board commanding them—of course the preliminary writ had that command—but ordering them to make a return. Then the writ was made peremptory, directing the canvassing board in the canvass and tabulation of the vote to reject the returns of six precincts and not count them and issue a certificate of election to the contestee, Mr. Sulzer. That was done and upon that order of the court the certificate was issued, and Mr. Sulzer was sworn in as a Member of Congress as a Delegate from Alaska.

Then the contest began in which the proceedings before the court were involved, and a number of other questions which are discussed in the report. Now, the question that was before the court there chiefly was what construction should be placed upon the election laws of Alaska. Before the committee there were a number of questions raised by Mr. Wickersham which the committee thought not necessary to pass upon. In the first place, he complained that this case was decided, that this certificate which the election board was about to issue to him was withheld and issued to Mr. Sulzer, without his being made a party to the proceedings. The committee found it unnecessary to pass upon that question on account of the peculiar jurisdiction that Congress has in these cases. In construing an election case, Congress sits not only as a court of appeal, but with power to try a case either de novo or on appeal. If you take the view that Congress is sitting as a court, that we are sitting as judges and trying the rights to an office, which in a sense we are, then we are a court of very peculiar jurisdiction, because we can try a case either on appeal or de novo, or both at the same time. For that reason the committee found it unnecessary to pass upon the question of whether Mr. Wickersham should have been made a party to the proceedings in Alaska. He made another

contention, that quite a portion of the record is devoted to, that the Territorial legislature had exceeded its authority in passing the election statute which changed the form of ballot prescribed by the act of Congress in 1912. The committee found it unnecessary to pass upon that, because it raised a constitutional question. The act of Congress incorporating Alaska and providing for the election of a Delegate is held, I suppose, to be the constitution of Alaska. That act provided for the election, and that the electors might use either a printed or written ballot. And so the contention was that in changing that to the Australian ballot the legislature had exceeded its authority. We found it unnecessary to enter into a discussion of the question, because Congress has never undertaken in passing upon election cases to decide constitutional questions arising in a State. Of course, my opinion is that the legislature had authority to pass that law.

Now, the chief question there, I say, was the correct construction of the Alaska election law. This law provided for an official ballot under the Australian ballot system, or practically as we have it in the States. On account of conditions prevailing in Alaska—that is, the extent of the Territory and the uncertainty of communication—it was deemed advisable for the legislature to write an exception in the law to the use of official ballots.

No doubt, and it is conceded in the hearings, that this grew out of past experiences there; that it was probable that in many portions of the Territory the official ballots could not be delivered in time, so that if the voters everywhere throughout the Territory were given an opportunity to have a voice in their elections and to vote there should be some proviso to this Australian ballot system authorizing the voters to use other ballots than those that were official. So in order to meet that the legislature wrote into this election law a proviso which is known as section 21, and which reads as follows:

That in any precinct where the election has been legally called and no official ballots have been received the voters are permitted to write or print their ballots—

Now, that is just what the congressional act says, and that these ballots might be prepared by the voters—

but the judges of election shall in this event certify to the facts which prevented the use of the official ballots, which certificate must accompany and be made a part of the election returns.

Now, it so happened that at a number of precincts, so far as they became involved in the case, as it appeared before the committee—some eight of them, I think—in some outlying sections of the Territory the official ballots were not delivered. In some of these precincts there was a certificate, or maybe just a line, by the election officers, stating that no official ballots had been received. With other precincts—three, I believe, in number, maybe four—in sending in the returns there was no certificate attached to the returns making any explanation on account of the absence of these official ballots.

Now, when the matter came before the court, of course there was no hearing except as to the matter set forth in the pleadings, and the court held that this proviso in the statute was absolutely mandatory, and ordered the canvassing board to reject the votes at those precincts and in another precinct for reasons that I will take up later. This established a majority of 19 in favor of Mr. Sulzer, and the court authorized a certificate of election to be issued to him.

The question came up in the main sense as to the mandatory or directory character of this clause in the statute. There does not seem to be any dispute anywhere about the reasons or moving causes which induced the legislature to write that provision in there. It was written in there in the interest of and for the protection of the voters in the outlying, isolated, and remote sections of Alaska, where, in all probability, it was not practical to deliver the ballots or the election supplies.

Now, in order to get at the construction of mandatory and directory statutes as applied to elections; as I understand it and as the courts hold, it is necessary to understand this: That in holding an election and applying the law as to whether or not certain provisions of a statute or certain portions of a statute are mandatory or directory, you divide the question of holding the election, you might say, into two divisions. One of those divisions is composed of those things that are done, acts performed, up to the time that the poll is complete, and the other division relates to those things done and acts performed after the poll is closed, and relate to the canvass, tabulation, and return of the vote.

Now, all the courts and all the authorities, so far as I am able to find, make that distinction. And the reason for it is this, that there are certain things pertaining to the election with which the voter is charged, a knowledge of certain things in connection with which he acts upon his own responsibility and assumes the risk of not comply with the law. For instance, the statutes say

that the election must be on a certain day. Every voter knows that, the officers know it; the officers and voters are charged with knowledge alike. And the statute says that a voter must vote in the precinct of which he is a resident.

Now, in a number of cases the House of Representatives, as well as the courts, has held that that provision of the statute is mandatory, because the voter knows where he lives; he is charged with knowledge of the law, and he must vote in the precinct of his residence, the precinct of which he is an inhabitant. If he does not do that, he assumes the risk of having his vote rejected. It says that the voting shall be by ballot. The voter is charged with a knowledge of that law. It says, for instance, that the votes must go into the ballot box. The voter is charged with a knowledge of that, and those statutes relating to the qualification of voters in many States provide that before a man can vote he must be registered a certain number of days before the election. The voter is charged with a knowledge of that, or that he shall pay a poll tax. So that all those things that relate to the election up to the time the poll is closed and the verdict is made up are construed to be mandatory by the courts, because there the voter is charged with the knowledge of those things, and he assumes the responsibility in not so acting as the law provides.

But when the vote is complete there comes the second division, where all the courts and all the authorities make the distinction and construe the provisions of the statute as directory, especially as to the voter, because when the poll is closed and he has cast his ballot the courts have universally placed around him protection, and they protect him in the security of his right to have his vote counted as cast, and have refused in all cases, I might say, to permit negligence on the part of the officers making up and returning that vote to deprive the citizen of his right to have his vote counted as cast.

Now, in this case this certificate related entirely to the return of the vote. There is absolutely in this whole record no proof of fraud against any precinct thrown out, in the judgment of the court. The proviso in the statute says that the voter, in the event the official ballots are not received, is permitted to write or print his ballot. Now, the voter, when he writes or prints that ballot in the absence of an official ballot furnished to him, does exactly what the law permits him to do and what the law stated he might do under those conditions, and then it imposes upon the judges of election a duty. That is the first part of it. It authorizes the voter in those sections of the Territory where the ballot was not received to write or print his ballot. Then it imposes upon the judges of election the duty of making an explanation about the absence of this official ballot. That relates absolutely to the return of the vote as it is cast. It relates absolutely and solely to the duty imposed upon the officers, and under the construction of those statutes, as they have been construed time and time again by this House and the courts, that provision is directory, because it is after the closing of the polls, after the voter's ballot is in the ballot box, and he is no longer protected against the willful conduct or the negligence of those officers, unless it be by placing that kind of construction on the statute, and that is the underlying reason for all of it.

That is the main point relative to the decision of the court as to holding that provision of the statute is mandatory and ordering these votes not counted and ordering the certificate to be issued to Mr. Sulzer on account of the fact that it changed the result of the vote there. And it goes further than that, as I understand it. Of course, that opinion, if you will read it, might be construed to mean a great many things, but it goes so far as to hold that this provision of the statute is mandatory to the extent that it vitiates this return, that it nullifies the return, and that the man who is entitled to the office that would be secured by that vote would have no power to go into a court and have the evidence adduced to show whether or not these ballots might be there and have them counted. Of course, I say that is the effect of it.

Now, we were unable to agree with that construction of that statute, especially without any line or word of proof of any fraud.

Mr. RAKER. Mr. Speaker, will the gentleman yield for a question right there?

Mr. WILSON of Louisiana. Yes.

Mr. RAKER. Supposing under the election laws of Congress applicable to Alaska and this Australian ballot law, passed by the Territorial Legislature of Alaska, a voter appeared at the election booth, went into the booth, and then came up and delivered to the officers of election a ballot that was not official. Would he be guilty of any offense by offering or attempting to cast that vote?

Mr. WILSON of Louisiana. Of course, to answer that I will have to state a little more about the law.

Mr. RAKER. Assuming, now, that all the election returns and the ballots are at the polls.

Mr. WILSON of Louisiana. I will answer that in this way: Under this statute it is made the duty of the judges of election to receive the official ballots. It is made the duty of the judges of election to have those at the polls and deliver them to each voter as he appears to vote. Then, under that condition, if the official ballot is there and the voter declined to use it and used a nonofficial ballot, of course he would be acting entirely outside the law and would assume all the responsibility of having his vote not counted or of being prosecuted.

Mr. RAKER. I want to get the attitude of the voter. Suppose he goes to the election booth and gets a ballot and then comes out and hands to the judge of election a ballot that is not official, assuming, now, that all the paraphernalia—the ballots and tally sheets of election—were there. Would that voter be guilty of any offense?

Mr. WILSON of Louisiana. If the official ballots were there in the manner that the law contemplates and were supplied to the voter?

Mr. RAKER. Yes.

Mr. WILSON of Louisiana. I think he would be outside of the law and would violate the law to cast that vote.

Mr. RAKER. Now, one other question. Suppose the judges of election, with all the paraphernalia—ballots, and otherwise—at the election booth should receive a ballot that is not an official ballot under the Alaskan statute. Would they be guilty of any offense by receiving it—the judges of election themselves?

Mr. WILSON of Louisiana. If they had the official ballots?

Mr. RAKER. Yes.

Mr. WILSON of Louisiana. There would not be any question about that at all. If the official ballots were there and in the possession of the judges, the law imposes upon them the duty of supplying the voters with them, and if they fail to do that they have not complied with the law.

Mr. RAKER. I know; but the judges of election, if they opened that ballot to see whether it was official or not, would be guilty of a felony, would they not, under the Alaskan statute?

Mr. WILSON of Louisiana. I have never known of any Australian ballot which, when it was folded, did not notify the judges of election that it was an official ballot, so that it would not be necessary to open it.

Mr. RAKER. Then the point is that in this particular law the official ballot is designated by printing to show that it is an official ballot.

Mr. WILSON of Louisiana. Yes. I am sure that is true.

Now, I want to get back to a discussion of this legal proposition.

On the question of when you can construe election statutes as directory and when you must construe them as mandatory there are a number of cases cited in this report of the committee. The general citation which I have quoted is from *McCrary on Elections*. Then, there is a case cited from Missouri (*Horsefall v. School District*, 143 Mo., 542) which upholds exactly what the committee found in this case. It says this:

The decisions of the supreme court in this State have not been altogether harmonious as to the effect of irregularities upon the result of an election, and we shall not attempt to review these cases, but we think that it may now be said to be the established rule in this State, as it is generally in other jurisdictions, that when a statute expressly declares any particular act to be essential to the validity of an election, then the act must be performed in the manner provided or the election will be void.

Now, you will notice this exception in the Alaska statute. It does not say that the want of this certificate shall void the vote. The legislature did not place any penalty upon the voter there at all. Practically all of the statutes relative to the Australian ballot prescribe that a ballot not in a certain form shall not be received and shall not be counted. Now, the courts have usually construed that portion of the statute to be mandatory. This decision continues:

Also, if the statute provides specifically that a ballot not in prescribed form shall not be counted, then the provision is mandatory and the courts will enforce it; but if the statute merely provides that certain things shall be done and does not prescribe what results shall follow if these things are not done, then the provision is directory merely—

That fits in exactly with the Alaska situation—

and the final test as to the legality of either the election or the ballot is whether or not the voters have been given an opportunity to express, and have fairly expressed, their will. If they have, the election will be upheld or the ballot counted, as the case may be.

Now, there is a very interesting case on that doctrine, and the law of this case, found in *Sixty-eighth Texas*, page 30, *Fowler against The State*, which involves questions very much like the one involved in this case. The complaint there was

relative to making up a faulty return. For instance, it was charged that no tally sheets or poll lists were kept and returned as required by law. The statute required that the tally sheets and poll lists be kept and made a part of the return.

It was also charged that the ballot box was sent to the county judge by mail instead of by the officer designated by law, and that the returns were not made in triplicate, as required by law.

Now, Chief Justice Willie, of the State of Texas, a judge whose decisions, I understand, are held in very high regard by the Texas bar, discusses and states this situation more clearly than almost any other decision I have seen. He says:

Without separately considering each of the objections raised to the manner of holding the election at precinct No. 3 and of returning its result, all such objections, including those we have already passed upon, may be disposed of on the ground that the requirements of the election law not obeyed by the managers were not mandatory but directory. The statute does not say that a failure to pursue the course pointed out by it in these respects shall vitiate the election, nor is there anything in the nature of these provisions which requires us to give them that effect. The object of every popular election for officers is to ascertain the will of the people as to what persons shall serve them as such in the various positions to be filled. A free, fair, and full expression of the public will is sought, and certain means are prescribed by law as the most certain to bring about the desired result. Some of these, from their very nature, or from the manner in which they are prescribed, are deemed absolutely essential to the accomplishment of the desired result. Among these may be named the requirement that the voting shall be by ballot; that it shall take place on a certain day and within certain precincts, etc. These are prescribed to insure perfect freedom of choice to the citizen, to serve his convenience in getting to the polls, and to bring out a full vote at the election.

Then there are other requirements, such as those which have been neglected in this case, that are merely formal in their character. The law deems that it is proper that they should be pursued in order to prevent frauds in the election and tampering with the votes and returns. If strictly followed, they furnish the best evidence that the election has been fairly conducted, and the burden of proof to show that it was not, either wholly or in part, rests upon the party attacking the returns. But these requirements are always treated as directory unless the law, either expressly or in effect, makes them essential to the validity of the election. Electors must not be deprived of their votes on account of any technical objection to the manner in which the election has been held, or for any misconduct on the part of its presiding officers, if these have not affected the true result of the election. (Cooley's Constitutional Limitations, 617, 618; *Prince v. Skillin*, 71 Maine, 361.) This would be to deprive the citizen of a great constitutional privilege for a mere informality; to place it within the power of a few persons to defeat the right of suffrage altogether. The very means provided to insure a fair and proper election might become an instrument of fraud and dishonesty.

Mr. McKEOWN. Will the gentleman yield?

Mr. WILSON of Louisiana. Yes.

Mr. McKEOWN. What are the requirements of the Alaska law in reference to the returns to be made to the canvassing board? In other words, is anything more required than the usual return, and this certificate that you state is required to be made, as to their not having received the official ballots? What other things, if any, are required?

Mr. WILSON of Louisiana. The only other thing except the usual return is that when the polls close the judges of election are to make up the certificates and return one set to the clerk of the United States district court for that division and another set, with the ballots, to the canvassing board.

Mr. McKEOWN. Will the gentleman yield further?

Mr. WILSON of Louisiana. Yes.

Mr. McKEOWN. I want to know if, for the precincts where those certificates were not received, there were ballots received?

Mr. WILSON of Louisiana. Yes.

Mr. McKEOWN. Does the law of Alaska provide for receiving the ballots in addition to the returns?

Mr. WILSON of Louisiana. Yes. Here is what it says. I will read section 402.

Mr. BURNETT. I understand that the judges must make an official statement that the official ballots were not there, and that that was the reason why the official ballots were not used and other ballots were used.

Mr. WILSON of Louisiana. The law says that the judges shall make a certificate showing why the official ballots were not used and make that a part of the return, yes.

In answer to the gentleman from Oklahoma, here is what the statute provides:

The election board at each polling place as soon as the polls are closed shall immediately publicly proceed to open the ballot box and count and canvass the votes cast, and they shall thereupon, under their hands and seals, make out in duplicate a certificate of the result of said election, specifying the number of votes, in words and figures, cast for each candidate, and they shall then immediately carefully and securely seal up in one envelope one of said duplicate certificates and one of the registers of voters, all the ballots cast, and all affidavits made, and mail such envelope, with said papers inclosed, at the nearest post office by registered mail, if possible, duly addressed to the governor of Alaska at his place of residence, with the postage prepaid thereon.

The other duplicate certificate and register of voters, with the oaths of the judges of election, the judges of election shall at once seal up in an envelope addressed to the clerk of the district court for the division in which the precinct is situated, at his place of residence, with the postage thereon prepaid, and deposit the same in the nearest post

office by registered mail, if possible. And the said clerk shall, as soon as he receives the said duplicate certificate, at once make out and duly mail to the governor of Alaska a certified copy of such certificate.

Mr. McKEOWN. Will the gentleman yield?

Mr. WILSON of Louisiana. I will.

Mr. McKEOWN. Whether or not these returns contain anything except the ballots?

Mr. WILSON of Louisiana. Yes; the register and poll book were there.

Mr. McKEOWN. Had they been received by the election officials?

Mr. WILSON of Louisiana. I think so.

Mr. McKEOWN. Was there any testimony as to why they were received and the ballots not received?

Mr. WILSON of Louisiana. No. In reference to the duty of the canvassing board, the act further says:

The said canvassing board shall commence the performance of its duties at the office of the governor within 10 days after the third Tuesday of October of each year in which an election is held under and by virtue of this act, and shall continue with such work from day to day until the same is completed, and said canvass shall be publicly made.

As to why the votes should be sent the statute is silent.

Upholding the doctrine I have stated there will be found a case in the Forty-fourth of Alabama, Montgomery against Henry, which upholds the same doctrine as laid down by the Texas court and the Missouri court. Also in the Thirty-fourth of Nebraska will be found a very interesting case on that question, and which adopts the dissenting opinion of Justice Peckham in the famous New York case, which has been quoted very largely in the briefs in this case.

Mr. RAKER. Will the gentleman yield?

Mr. WILSON of Louisiana. Yes.

Mr. RAKER. Having to vote on this matter, I would like the benefit of the chairman's views. Speaking of the question of the mandatory provision of the act and whether or not it is directory and that only those provisions which really relate to the returns of the election officers are directory, is there anything in the Alaskan statute which requires the voter to know whether or not there are legal ballots at the election precincts before he votes?

Mr. WILSON of Louisiana. The law provides that it is the duty of the officers, judges of election—and I think that would be true not only in Alaska but in every other place—the law makes it the duty of the clerk of the district court to prepare the ballots and send them to the various commissioners in the district, and they distribute them to the various precincts and election officers. So under the statute it is the duty of the judges of election to receive the ballots and have them at the precincts and supply the voters with the ballots as they appear to vote. So I would take it that if the voter appeared and he was unable to secure an official ballot from the judges of the election, or if they did not furnish him with it, he would come within the statute and have the right to prepare his own ballot.

Mr. RAKER. The gentleman says whether or not the ballots were there. Suppose the ballots had been delivered to the election officers, but were not actually furnished to the voter, could he then use a ballot made by himself?

Mr. WILSON of Louisiana. I do not think that would be a case that the Territorial legislature had in mind in writing this provision, because that would be a case of fraud on the part of the officers. The object of the legislature in enacting this provision of the statute was to secure to the people the right to vote in that portion of the Territory where no ballots could be delivered. They knew from past experience that that would be true. It is possible to imagine a case where the officers join in a fraud in order to withhold the ballots, but what the object would be I do not know. I do not think the legislature had in mind any such case.

Mr. RAKER. Suppose a case of this kind: Ballots had been received by the election officers and the election was conducted on a nonofficial ballot, would that election be legal in that precinct under the gentleman's view of the Australian ballot law?

Mr. WILSON of Louisiana. It is possible to imagine that case. I do not think it would. When you are construing a proviso it is construed in the sense that you are not to include any cases not contemplated by the legislature. A proviso is a limitation on the enactment. I think that it is certain that the legislature in enacting that clause to give these people the right to vote did not have in contemplation an imaginary case such as the gentleman from California has stated, where the officers would form a conspiracy to commit fraud and then fail to include the certificate.

Mr. RAKER. May I ask the gentleman another question?

Mr. WILSON of Louisiana. Certainly.

Mr. RAKER. If the voter applies to the judges for his ballot, is it the gentleman's view that they then advise him whether or not the official ballots are there and whether others can be used?

Mr. WILSON of Louisiana. It is presumed that the officers will perform the duties imposed on them by the plain terms of the statute. Of course, if the official ballots were there, there would be no advice necessary; but if they are not there it is the duty of the presiding officer of the election to so advise the man when he appears to vote. The gentleman has stated an imaginary case where the officers form a conspiracy to withhold the ballots, and I suppose he assumes, in order to protect themselves, that they would withhold or decline to make a certificate. But I think that is stretching the imagination to quite a long limit, because I think the gentleman from California knows that when officers go out to violate the law about the first thing they do is to look up the law and come as near as possible to complying with the letter of it.

Mr. RAKER. If the gentleman will pardon me, I am only seeking information. In this contest, while the record is voluminous, I doubt whether any Members have had the opportunity to read it. Did any of the election officers in those precincts and contests testify, or were their affidavits taken, relative to the presence or nonpresence of the official ballots at election?

Mr. WILSON of Louisiana. No. I shall come to the discussion of that part a little later. We have been cited to a number of cases, to which I understand Members of the House have been cited, as being contrary to the conclusion reached by the committee in construing this statute as directory. The main case in that respect is in the One hundred and thirty-eighth Northwestern Reporter. That is a South Dakota case, but I have read that case very carefully, and if the Members feel sufficiently interested I think they will find it exactly upholds the contentions of the committee in this case. There was no clause in the statute saying that certain kinds of ballots should not be counted, but the statute required that in voting upon the liquor question ballots should be separate from all other ballots, and it made the duty of the county auditor to prepare these ballots and display them in his office three days before the election, and there where the voters had used ballots in cases where city ordinances and other things were submitted at the same time the court rejected them. There is nothing in that contrary to the findings of the committee. The voter was charged with the knowledge of the law as to what kind of ballot he should use. That is true under the Australian ballot in general, and if that ballot is not counted he has no complaint to make. So that case does not interfere. I submit this proposition. I do not believe a case can be cited in the books or in the decisions and proceedings of this House where, under a statute relating to the making of a return in an election case, after the ballot has passed without the hands of the voter, and he has no means of protecting himself and is not charged with any knowledge, that he is held to have cast an illegal ballot on account of some act of the officers. I submit that there is not a case that would sustain a proposition holding that statute directory and throwing those ballots out.

The New York case is probably the strongest that can be found upon that proposition, but in that statute it is directly stated that a ballot with a distinguishing mark of any kind upon it shall not be counted, and, because the ballots in a certain number of precincts were the ballots that were numbered for another precinct, it was held that was a distinguishing mark. In other words, ballots for precinct No. 10 could not be voted in precinct No. 5, because of the prohibitory words of the statute, but Chief Justice Peckham dissented in that case, and I think you will find that the dissenting opinion, right in the face of the statute, has been cited more in controlling election cases than the majority opinion of the court.

Mr. BURNETT. Mr. Speaker, will the gentleman yield?

Mr. WILSON of Louisiana. Yes.

Mr. BURNETT. Did the committee have proof aliunde of the authenticity of these ballots which the committee thought should be counted?

Mr. WILSON of Louisiana. Yes; that is discussed in the report.

Mr. BURNETT. I have not read the report. It is a fact that the committee had that proof?

Mr. WILSON of Louisiana. Yes. I shall get to that directly.

Mr. BURNETT. I thought it germane to that question as to the certification by the judges.

Mr. WILSON of Louisiana. Yes.

Mr. McKEOWN. Mr. Speaker, will the gentleman yield?

Mr. WILSON of Louisiana. Yes.

Mr. McKEOWN. Is there any provision in the law of Alaska that the canvassing board may go behind the returns as they come in to them?

Mr. WILSON of Louisiana. There is nothing in the statute on that subject, in my judgment. This Alaska board has very peculiar powers. Of course, you know there are two different views about going behind returns of the election by the canvassing board.

Mr. McKEOWN. Usually they can not.

Mr. WILSON of Louisiana. They can not, except for one purpose. They are authorized to do it to complete the returns for the purpose of supplying deficiencies in returns, for the purpose of giving effect to the returns.

Mr. McKEOWN. I wanted to know if there is any provision of that kind why they did not go back and get certificates.

Mr. WILSON of Louisiana. If the gentleman would read the hearings—

Mr. McKEOWN. I have read the hearings and the testimony.

Mr. WILSON of Louisiana. The question came up, and according to the contentions made to the committee under the decisions of the court it did not make any difference whether they went back and got them.

Mr. McKEOWN. That was the decision of the court?

Mr. WILSON of Louisiana. Yes; and though the proof might be ever so conclusive, still that vote was nullified and vitiated by the fact that they were not made immediately and then closed with the returns.

Mr. McKEOWN. That decision of the court was before they would have had time to go back and get them?

Mr. WILSON of Louisiana. I would not like to make a statement on that, because it is hard to tell when you would ever go back and get returns from certain portions of Alaska.

Mr. RAKER. Mr. Speaker, before the gentleman leaves the legal feature would he submit to a question?

Mr. WILSON of Louisiana. Yes. In my view it was the duty of this election board, composed of the governor and these other officials, sitting there with unlimited time, returns then having been coming in for several months, to complete those returns if they could and ascertain the will of the people, but under the decisions of this court and the contentions made to this committee it did not make any difference. You might show there were no ballots within 500 miles of the precinct, and yet you would not be permitted to make that proof and establish your case in court, and that is the main part that the committee could not attempt to do.

Mr. HOWARD. Mr. Speaker, will the gentleman yield?

Mr. WILSON of Louisiana. I promised to first yield to the gentleman from California [Mr. RAKER].

Mr. RAKER. I will gladly yield to the gentleman from Georgia.

Mr. HOWARD. As I understand it, this is a unanimous report of the committee.

Mr. WILSON of Louisiana. Yes; but I would say that I do not think Mr. POLK ever agreed to our construction of the law as to the directory character of the statute.

Mr. HOWARD. It occurs to me that this is a very serious situation. The sitting Member has drawn \$4,500 of mileage, and the committee brings in here, just a few days before the adjournment of the regular session of Congress, a report unseating this sitting Member and seating another Member for just a few days. As I understand it, the courts of Alaska passed upon the legality of this election and decided in favor of the sitting Member. Is that true?

Mr. WILSON of Louisiana. No. I would not say that they passed on the legality of this election.

Mr. HOWARD. In other words, it was adjudicated by the judicial machinery of Alaska.

Mr. WILSON of Louisiana. Not the merits of the case.

Mr. HOWARD. How could the court determine that the sitting Member was entitled to his seat unless they had some facts before it on which to act?

Mr. WILSON of Louisiana. Well, now, if the gentleman had read the proceedings there he would have that information.

Mr. HOWARD. But—

Mr. WILSON of Louisiana. Or had he heard my preliminary statement about it.

Mr. HOWARD. Now, there are some other questions I want to ask. As I understand it, since this contest has been filed, which was filed with the committee—when?

Mr. SULZER. This contest was placed before the committee in March.

Mr. HOWARD. Of what year, this year or last year?

Mr. WILSON of Louisiana. Last year. The gentleman knows it takes a year to count the votes.

Mr. HOWARD. Of course the gentleman means March, 1917.

Mr. WILSON of Louisiana. No; I mean March, 1918.

Mr. HOWARD. I meant 1918. Now, why is it the committee has taken nearly a year to act on this case? What was the trouble?

Mr. WILSON of Louisiana. I wish to say to the gentleman from Georgia I am not going to make any apology for the action of the committee on this case—

Mr. HOWARD. I understand, and I am not making any criticism; I am trying to get the facts.

Mr. WILSON of Louisiana. Any more than were made for cases of like character. Of course, I think the gentleman is entitled to an explanation, and that is what he is asking for, I understand.

Mr. HOWARD. Yes, sir.

Mr. WILSON of Louisiana. Of course, that is not an uncommon occurrence here in contested-election cases.

Mr. HOWARD. I know it.

Mr. WILSON of Louisiana. The committee has given very unusual consideration to this case. We have had other election cases to pass on, and I suppose the gentleman knows enough about the duties of a Congressman to know that he can not spend all his time investigating and going into these records. As a further explanation I would say that after the committee had once reached a conclusion about this case upon the application of Mr. Sulzer's attorney we reopened the case and reconsidered it.

Mr. HOWARD. Now, they have held another election in Alaska since this contest has been pending when the sitting Member, Sulzer, has been elected again by just about the majority he was elected to the Sixty-fifth Congress, and another contest is on as between the two parties, Wickersham and Sulzer; is not that true?

Mr. WILSON of Louisiana. I do not know anything about that.

Mr. HOWARD. Now, the committee propose in this report to unseat Sulzer and seat Wickersham for 49 days before the expiration of the last session of this Congress to which he was elected, and then the Government—the taxpayers—pay Sulzer \$19,500, as the sitting Member, and they turn around and pay Wickersham \$19,500, making it cost the taxpayers on the committee's action practically \$40,000.

Mr. WILSON of Louisiana. I wish to say to the gentleman I would be ashamed to be a Member of this House if I thought it took into consideration the question of dollars and cents in passing upon a judicial question. [Applause on the Republican side.]

Mr. HOWARD. There is more in that than this—I understand some gentlemen on the other side—but there is more in this than dollars and cents, and this thing can be carried on in Alaska—

Mr. WILSON of Louisiana. I have not any interest in that.

Mr. HOWARD. Indefinitely, and I look upon it with great suspicion, and I will give my reasons when I get a little time directly.

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

Mr. WILSON of Louisiana. I want to make a statement with respect to what was said by the gentleman from Georgia, and that is that the committee has not taken into consideration anything except to reach a correct conclusion on this case. It has taken its time to consider the case and to make an investigation of the case, and to make a correct report to this House, and I think it would be an act of reflection upon a committee of Congress or a court to inquire if it took into consideration the question of dollars and cents in reaching a correct conclusion in any lawsuit. So I have no apology to make for the action of the committee in this case. The facts are in the record and the report sets them out, I think, correctly.

Mr. HOWARD. Just one other question I would like to go in the record in this connection, if the gentleman will yield. A man named Strong was appointed governor of Alaska?

Mr. WILSON of Louisiana. I would rather the gentleman—

Mr. HOWARD. He took the side of Wickersham, the contestant in this election case, and the administration, after putting into operation all of its machinery and making a most thorough and sifting investigation, unseated Strong as governor of Alaska, giving as the reason his connection with this case. Is not that true?

Mr. WILSON of Louisiana. I understand the governor of Alaska is appointed by the President. [Applause.]

Mr. HOWARD. I understand that is not true, that there is some form of election.

Mr. WILSON of Louisiana. That is not in any way connected with this case.

Mr. HOWARD. I was informed here by some Republican Member.

Mr. WILSON of Louisiana. I now yield to the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. I would like to ask the gentleman from Louisiana if the people of Alaska elect their governor?

Mr. WILSON of Louisiana. No; I just stated it.

Mr. HOWARD. I was informed by one of my Republican friends that such a thing was true.

Mr. COOPER of Wisconsin. I do not know where he got that information.

Mr. HOWARD. I viewed it with a great deal of suspicion, but I thought I would put it in.

Mr. COOPER of Wisconsin. Was there any charge made by the contestant or by anybody for him that in those precincts named on page 2 of the committee's report, the votes are not given correctly? For example, Wickersham 25, Sulzer 3; in another, Wickersham 10, Sulzer 6; in another, Wickersham 7, Sulzer 3; in another, Wickersham 10, Sulzer 3; in another, Wickersham 13, Sulzer 4; in another, Wickersham 3, Sulzer 1; in another, Wickersham 8, Sulzer 2.

Mr. WILSON of Louisiana. No.

Mr. COOPER of Wisconsin. So, then, it is true, as claimed by the contestant and admitted by the contestee, that the voters in those districts cast a majority, as herein indicated, for Wickersham?

Mr. WILSON of Louisiana. There has been no question raised as to whether the votes were cast or not.

Mr. COOPER of Wisconsin. Then, as the House has the sole authority under the Constitution to determine who shall be Members of this body, the question before us is whether we shall disfranchise these voters who admittedly cast a majority of their votes for Wickersham because some of the election officers in that Territory failed to do their sworn duty. That is the question before us, is it not?

Mr. WILSON of Louisiana. The gentleman may construe it that way. It is largely true.

Mr. WINGO. Will the gentleman yield?

Mr. WILSON of Louisiana. Yes.

Mr. WINGO. I have read the report. Am I correct in this conclusion from that report, that the decision in this case turns on a legal proposition?

Mr. WILSON of Louisiana. Not entirely; no. Relative to these votes at these particular precincts we have been discussing, it does.

Mr. WINGO. There are two batches of votes. One is in these precincts where there is irregularity on account of either the ballots used or the certificates. The other is the soldier vote. Are there any other cases of voters?

Mr. WILSON of Louisiana. There is a question as to Indian votes.

Mr. WINGO. Those are the three?

Mr. WILSON of Louisiana. But this is the question before the court—

Mr. WINGO. I gather from the gentleman's report, which I have read, that the question the House is going to have to determine is a legal question. There is not a question of fraud; there is not a question of how the voters voted, but a question of whether or not we will permit certain votes to be counted and will determine that by the determination of a legal question?

Mr. WILSON of Louisiana. That is largely true.

Mr. WINGO. Is this legal question involved—I could not gather it from the report—the question is whether or not the act of Congress will control out there or whether the act of the Legislature of the Territory of Alaska?

Mr. WILSON of Louisiana. No. The question was raised, but the committee decided it was not necessary to pass upon it.

Mr. WINGO. I see in the hearings in the Senate committee, in the impeachment charges concerning the Federal judge, that the grounds of that impeachment, or the principal ground, was that he undertook to base his decision upon an act of the Territory of Alaska instead of upon an act of Congress.

Mr. WILSON of Louisiana. That was not considered by the committee at all, because it raised a constitutional question, and a committee in Congress in passing upon these questions never deals with constitutional questions.

Mr. WINGO. In passing upon this legal question, does the gentleman base his conclusion upon the act of Congress controlling the election out there or the act of the legislature?

Mr. WILSON of Louisiana. On the act of the territorial legislature.

Mr. WINGO. Does the gentleman base his conclusion upon the acts of the Territorial legislature out there?

Mr. WILSON of Louisiana. Yes.

Mr. WINGO. Does the Territorial legislative act determine the legal question that is involved here?

Mr. WILSON of Louisiana. It arises on account of certain provisions in this Territorial act; yes.

Mr. WINGO. Those provisions do not seem to be as strange as the committee's report indicates. There are provisions in different States as to the certificate, the character of ballots used, and what the voter may do. Now, what have the courts of the different States decided on the question of whether you should throw out a box in its entirety? Or will you purge it and undertake to poll each of the voters and ascertain how each one voted? Has the gentleman set out the decisions of the States on that question?

Mr. WILSON of Louisiana. That question is not involved here at all.

Mr. WINGO. I take it from the gentleman's own statement that it is involved. It may not be involved if the gentleman decides the single legal proposition, but the House may differ with him on one legal proposition and agree on another. Has the committee furnished the House a decision on this question: If you find the ballots have not been cast in accordance with the law and you want to arrive at the true intent of the voters, have you undertaken to take up and determine whether or not all these ballots were legally cast or that some were and some were not?

Mr. WILSON of Louisiana. That is not a question at issue in the case.

Mr. WINGO. From the gentleman's statement in the report I think it is.

The SPEAKER. The time of the gentleman from Louisiana has expired.

Mr. FOSTER. How much time does the gentleman desire?

Mr. WILSON of Louisiana. I would like to complete my statement.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent that the gentleman's time be extended 30 minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the time of the gentleman from Louisiana be extended 30 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. WILSON of Louisiana. That is not an issue in the case.

Mr. WINGO. It is to my mind, from the fact that the committee has so reported. The committee has not undertaken to furnish the House the decisions of the court on that feature. Here is the point: Say that the direction with reference to using official ballots is purely directory. All right. Is there no question at all but that each and every one of these ballots was clear and unequivocal?

Mr. WILSON of Louisiana. No. That is not involved.

Mr. WINGO. And that the only technicality that is involved was the question of whether or not the ballots had been furnished by the proper authority? Is that the only question?

Mr. WILSON of Louisiana. That is the only question. The question hinges upon the decision relative to these precincts, the decision of the judge ordering them to be thrown out for failure of that certificate to be placed in there by the judges of election. Now, nobody offered any proof to show that the votes were not cast or that there was not any error in the action of the judge, and the committee did not undertake to consider that question.

Mr. WINGO. It was not considered an issue in the case?

Mr. WILSON of Louisiana. No; it was not an issue in the case.

Mr. DENISON. Mr. Speaker, will the gentleman yield?

Mr. WILSON of Louisiana. Certainly.

Mr. DENISON. The committee does not take up any question that the parties themselves did not raise?

Mr. WILSON of Louisiana. No. That is the point.

Mr. WINGO. But the House sitting as a court can take up a question, even though neither of the parties does. We are here determining not so much the merits of this single case, but a principle, a ruled action as a basis to determine not only this case, but others of similar character. We want to reach a correct conclusion on the principles involved, regardless of the fact that this is from Alaska or anywhere else.

Mr. WILSON of Louisiana. I hope everybody takes that view.

Mr. WINGO. The gentleman has a unanimous report from the committee?

Mr. WILSON of Louisiana. Yes.

Mr. WINGO. How many Members were present at the meeting of the committee at the time the committee made that report?

Mr. WILSON of Louisiana. It was under consideration twice. This report has been submitted to every member of the committee.

Mr. WINGO. How many Members were present at the time you acted on it?

Mr. WILSON of Louisiana. I do not recollect; but there was a quorum, and those who were not there at the first meeting were present at the subsequent meeting of the committee.

Mr. WINGO. Were there more than six there?

Mr. WILSON of Louisiana. I say we never acted without a quorum.

Mr. WINGO. Does the gentleman say that all members of the committee approve this?

Mr. MOORES of Indiana. There were seven.

Mr. WINGO. I say, does the gentleman say all the members of the committee approve this report?

Mr. WILSON of Louisiana. That is my understanding.

Mr. WINGO. I have been informed otherwise by a member of the committee.

Mr. GARD. Mr. Speaker, will the gentleman yield for a question?

Mr. WILSON of Louisiana. Yes.

Mr. GARD. I want to ask the gentleman a question in regard to this court that made the finding upon which the claim of Delegate Sulzer is based. Is that a court of final jurisdiction?

Mr. WILSON of Louisiana. It is the United States District Court of Alaska, and then there is a court of appeals.

Mr. GARD. Was the case ever appealed to a higher court?

Mr. WILSON of Louisiana. No. The case came to the House of Representatives after the decision was given to Mr. SULZER.

Mr. GARD. By the district court, without appeal to any other court?

Mr. WILSON of Louisiana. Yes.

Mr. MOORES of Indiana. Mr. Speaker, will the gentleman yield?

Mr. WILSON of Louisiana. Yes.

Mr. MOORES of Indiana. Was Mr. Wickersham a party to that suit?

Mr. WILSON of Louisiana. No. I have stated that.

Mr. BURNETT. May I ask the gentleman a question?

Mr. WILSON of Louisiana. Yes.

Mr. BURNETT. As I understood the answer that the gentleman gave to the gentleman from Arkansas [Mr. WINGO], after you had passed upon that question of the certificate being directory or mandatory, then you did not go further and inquire into the legality of the ballots that were claimed to be cast?

Mr. WILSON of Louisiana. No.

Mr. BURNETT. Would not the burden be upon the contestant, who wanted the ballots cast in his favor, to show that these were legal ballots that had been cast by somebody, and did you take into consideration any such evidence as that?

Mr. WILSON of Louisiana. No. Judge Jennings, the court, held that if the statute were directory the certificate should be issued to Mr. Wickersham, and that would have shifted the burden of proof.

Mr. BURNETT. You wanted proof as to who was elected. You wanted a basis upon which to decide who was elected. How can you do that when you have not taken any testimony to show the validity of these very ballots on which it appears to hinge?

Mr. WILSON of Louisiana. If the official ballots were not there, there is no question about it.

Mr. BURNETT. Does not the contestant make the question himself, and is not the burden of proof on him to show that these ballots were cast, and cast for him?

Mr. WILSON of Louisiana. In canvassing the returns made to this board it was the duty of this board to issue the certificate of election under that law to the man having a majority of those votes. Then the board would have thrown on the man contesting the burden of showing a majority under that return. But there is no question like that involved here.

Mr. HAMILTON of Michigan. Mr. Speaker, I think the gentleman ought to be permitted to proceed, so that we can get some idea of this case.

Mr. WINGO. With all due respect to the gentleman from Michigan, that was the object of my question.

Mr. HAMILTON of Michigan. The questions which the gentleman asked were very interesting.

Mr. WINGO. I may be wrong in the conclusion that I have in mind, but I want to ask the gentleman this question: Was that canvassing board acting in a ministerial capacity?

Mr. WILSON of Louisiana. You would have to get that from a reading of the statute. It says that the canvassing board—

Mr. WINGO. I have not looked it up lately, but what have the courts decided on that? Is that a ministerial act?

Mr. WILSON of Louisiana. Purely ministerial.

Mr. WINGO. In other words, they have to take what comes to them?

Mr. WILSON of Louisiana. That was the position taken. The law says that they shall canvass the return certificate and issue the certificate to the one having the majority of votes; and they were attempting to do that, and they would have done that but for the order of the court to withhold the certificate from Mr. Wickersham and issue it to Mr. Sulzer.

Mr. WINGO. But it hinges upon the question as to whether the statute was mandatory or not, so that the legal question—

Mr. WILSON of Louisiana. We discussed other questions, but that is the only thing involved here.

Mr. WINGO. The gentleman is sure that the canvassing boards have acted purely in a ministerial capacity?

Mr. WILSON of Louisiana. That was the construction.

Mr. ROSE. Mr. Speaker, will the gentleman yield?

Mr. WILSON of Louisiana. Yes.

Mr. ROSE. Does the gentleman mean that the canvassing board itself took that position, that it was acting in a purely ministerial capacity and not as a judicial body?

Mr. WINGO. The only body that has undertaken to pass upon the judicial question was the Federal judge. The canvassing board construed that they were a ministerial body?

Mr. WILSON of Louisiana. Yes.

There was one other precinct that was ordered thrown out where the official ballots were used. I want to call the attention of the House to that. The position has been taken here that it would be wrong for the Congress or a committee of Congress to overrule the decision of the judge in ordering these ballots to be cast out.

Another precinct was known as Vault. At this precinct the official ballots were used. The register and certificate of election that came from the judges of election were not signed. The law provides that a duplicate certificate shall be made, that that duplicate certificate shall be sent to the clerk of the United States court, and that a copy shall be made and sent to the governor of Alaska for the use of this board. In that precinct the certified copy made by the clerk of the district court showed that the certificate was properly signed. This was a return provided for in the law, made by the officer who was the legal custodian of the document. Yet the court ordered that precinct thrown out. Now, I respectfully submit that it is impossible to follow the decision of the judge in a matter like that. I do not believe there is a lawyer in this House or a man in this House who can sanction the action of the judge in throwing out the ballots of a precinct where the statute specifically provides that the certificate shall be made in duplicate, that it shall go to the clerk of the district court, and that he shall immediately make a copy and send it to the canvassing board. That return was made, and it showed that the duplicate sent to the clerk was properly signed. Yet that precinct was ordered thrown out.

Mr. STEVENSON. What was the ground on which the judge ordered it thrown out? Did he assign any reason for it?

Mr. WILSON of Louisiana. On the ground that it was their duty to consider the certificate coming from the judges of election, and that that one was defective. Yet, in order to provide against that very thing, the statute provided that the clerk of the court should make a copy and send it to the canvassing board, and that copy showed the proper signatures.

Mr. GARD. Why was it that no appeal was taken from the decision of the court?

Mr. WILSON of Louisiana. Of course, I can not answer that question, because as soon as Mr. Sulzer was sworn in the matter was shifted to the House, and a contest started here.

Mr. GARD. There is no evidence to show why an appeal was not taken?

Mr. WILSON of Louisiana. No. Mr. Wickersham was not a party to the suit, and I suppose when a man has a choice of tribunals he has a right to choose the tribunal to try his case. Just what reasons actuated him I do not know.

Now, the committee found itself absolutely unable to agree with the court, and I do not believe that any man could read that decision and agree with the action of the court in throwing out the ballots in the Vault precinct.

The question comes up as to whether or not the official ballots were at the various precincts involved in this election. A portion of these precincts were out on Bristol Bay, some 500 or 600 miles from Valdez. The three precincts involved there are Choggiung, Nushagak, and Bonafield. The record plainly showed that there was not a single official ballot received in that section of the Territory, on Bristol Bay. At Naknek, another precinct in that district, they had the official register and tally book. I want you to follow this to see why the committee reached the conclusion that it was not necessary to take any more evidence to find that the official ballots were not there. At Naknek they had the official register and tally book, and

they used what are known as party workers' ballots, on which the name of Mr. Sulzer was printed. At that precinct the vote was 9 for Sulzer and none for Wickersham. With the return from that precinct there is a certificate stating that they did not receive the official ballots.

Now, over at Nushagak, in that same district on Bristol Bay, the same election supplies were used. The tickets had Mr. Sulzer's name on them, and opposite that there was a blank, and the voters there wrote the name of Mr. Wickersham in the blank, and at that precinct there were 10 ballots for Mr. Wickersham and 3 for Mr. Sulzer. In that particular precinct the certificate as to the absence of the official ballots was not inclosed; but at the other precinct of Naknek, where they cast the 9 votes solidly for Mr. Sulzer, they used this very same ballot and had this same portion of the election supplies. There in this same division, out on this bay, they had exactly the same election supplies as at the other precinct. At Choggiung, the other precinct on Bristol Bay, they used the same register and tally book, and there the voters made their ballots with a typewriter. At the remaining precinct of Koggiung on Bristol Bay, there was no election held. There was a notice that the voters would appear and vote at one of the other precincts.

Now, the committee found, from an examination of those returns and those ballots, that in this section of the Territory, in the Bristol Bay district, there was not a single official ballot used. It was the duty of the judges of election to supply the voters with the official ballots if they had them, and I do not think it is reasonable or possible that in all this section of the Territory every voter would have been permitted to use non-official ballots if they had had the official ballots. The same conditions existed at the precincts where they voted for Sulzer as where they voted for Wickersham, and I consider that the facts established by those returns and those circumstances are really just as strong proof of the fact that there were no official ballots there as though some one had inclosed a certificate.

Now, the other two precincts involved are Utica and Deering. While the canvassing board were in session the clerk of the district court notified the canvassing board that he had received a certificate signed by the judges of election, and that the certificate was on its way to the canvassing board. That certificate showed that the form of the ballot used at those two precincts, Utica and Deering, had been telephoned from another precinct where they did have the official ballots. The judge did not wait for this certificate, and the canvassing board did not have it; but upon examining the returns for those two precincts it was seen that at one precinct the ballot was made exactly in the form of the official ballot, containing exactly the same information as that on the official ballot, and it was quite lengthy. Over at Utica the ballots were made with a typewriter, and contained exactly the same information. This telegram stated that they had the information phoned to them, and the certificate was made long before the contest was started. There was no controversy at that time, and when the returns were examined they exactly dovetailed in with the facts set forth in the certificate. So the information in the record was absolutely convincing to the committee that this was a case that the Territorial legislature had in mind when the statute was enacted to give the people at the outlying precincts a right to vote in case the official ballot did not arrive.

It is contended here that it would be a great calamity if Congress should find itself in opposition and overruling the findings of Judge Jennings. I think Judge Jennings contemplated that Congress might do that. I want to read a portion of the opinion of Judge Jennings. He was directing his opinion to the canvassing board, and this will answer a number of questions asked by the gentleman from Alabama. This is a quotation from his opinion:

Again, the action of the canvassing board neither enfranchises nor disfranchises any voter. It sits merely to determine to whom to issue a certificate of election. This certificate of election is not final. The House of Representatives is the tribunal before which the contest of election comes. In its wisdom it may say, if it chooses, "It is true that the certificate of the judges of election does not state that no official ballots were received at Choggiung, but it is possible—probable, even—that none were received, and that that is the reason the judges allowed these otherwise prohibited ballots to be cast, and by inadvertence or neglect they omitted to say that was the reason; at any rate, we will investigate the matter; we will hear oral testimony; we will consider affidavits or get at the very truth of the matter in some other way."

The judge, I think, anticipated that Congress would investigate to get at the truth of the matter and give a correct decision, because he did no claim to be passing on the merits of the case.

Now, of course, gentlemen, there are other matters in this case upon which, I presume, I can be heard later. I do not want to tire the House, but, as I stated before, the question as to the legality of votes at any precinct is not involved in this case. No such contention was made before the committee,

The question as to these votes in these precincts is whether or not you are going to construe the provisions of the statute to be mandatory or directory.

Mr. BURNETT. Will the gentleman yield?

Mr. WILSON of Louisiana. Yes.

Mr. BURNETT. Does not the contestant claim in his notice of contest that he was elected by a legal vote, and does not that raise the question?

Mr. WILSON of Louisiana. Yes; he claims these are legal votes and that they should be counted.

Mr. BURNETT. But no proof was offered to the committee.

Mr. WILSON of Louisiana. I stated that it was entirely satisfactory to the committee that the ballots were not there. I do not think the gentleman from Alabama or anyone else will agree to the action of the court in throwing out the Vault precinct, because, as I have stated, the certificate made by the clerk of the court was there, and the statute says that the certificate may be considered for that purpose. So, if the decision of the committee is correct and the other questions involved in the report are correct at Vault, you may adopt the decision of the judge in throwing out the other precincts and still Mr. Wickersham has a majority. You may eliminate the question of the want of a certificate, but adopt the views of the committee as to the Vault precinct, where the official ballots were used and correct as to their contention, and the case then would be in favor of Wickersham and he would have a majority.

Mr. GARD. Of how much?

Mr. WILSON of Louisiana. Three. We went into that question because I do not believe the House should go on record as penalizing the voters in any locality in Alaska, or anywhere else, where they have furnished the ballots authorized by statute, on account of the willful neglect or even the fraudulent action of officers in making the returns. Congress has never done it and the courts have never done it. I can not give my consent even in this case, much as I regret to do so, and hold in face of the law, what I conceive to be the law and what the committee conceives to be the law, that any such rule ought to be adopted.

Then, if you adopt the decisions of the court at these precincts and the decision of the committee as to the Vault precinct and the other matters in the case, Mr. Wickersham would still have a majority of votes.

Mr. STEVENSON. Will the gentleman yield?

Mr. WILSON of Louisiana. Yes.

Mr. STEVENSON. I want to get it clear about the Vault precinct. I understand the managers made a certificate of election which was sent to the board of canvassers by the governor and which was signed by them. Is that the fact?

Mr. WILSON of Louisiana. Yes; but they did not sign it.

Mr. STEVENSON. But there was a duplicate filled out by the clerk of court.

Mr. WILSON of Louisiana. Yes.

Mr. STEVENSON. And the law provides that they can use the certified copy in case the other was not there?

Mr. WILSON of Louisiana. Yes; the statute provides for the clerk to make and send a copy.

Mr. STEVENSON. So the committee considered it as though they got none direct from the board of canvassers, but they had got one from the clerk of court upon which they could act.

Mr. WILSON of Louisiana. Yes.

Mr. SULZER. Will the gentleman yield?

Mr. WILSON of Louisiana. Yes.

Mr. SULZER. I do not know what information the committee had about the Vault precinct, but the information before the court was a telegram to the effect that the clerk of the district court at Fairbanks had received a certificate from the clerk of the election at the Vault precinct bearing the names of the election judges. Now, that statement does not say "signed by the election judges"; it simply says "bearing the names." It is possible that the clerk of that election board made up that statement on his own initiative and sent it in to the clerk of the court at Fairbanks.

Mr. WILSON of Louisiana. I think the gentleman is mistaken. Here are the pleadings filed in the court. It is the answer of the canvassing board to the court:

In the case of the Vault voting precinct, the election judges did not sign the certificate of result form in the back of the election register and tally book, but the canvassing board received from the clerk of the United States District Court for the Fourth Judicial Division, in which said precinct is located, the "certificate of the clerk of election returns," bearing the names of the election judges for said voting precinct, and duly certified by the clerk of the court as a full, true, and correct copy of the original on file in his office.

Mr. SULZER. The statement says, "bearing the names of the judges of election." It does not say that the judges of election signed the certificate.

Mr. WILSON of Louisiana. Of course, a man might go off on an imaginary case.

Mr. SULZER. There is nothing imaginary about that. If the judges did not sign it and send it to the canvassing board, is it to be presumed they signed something sent to the clerk of the court at Fairbanks?

Mr. WILSON of Louisiana. This is the certificate the law provided for.

Mr. BURNETT. Did you have the certificate before the committee?

Mr. WILSON of Louisiana. I think it is printed in the record.

Mr. BURNETT. Was it introduced before the committee?

Mr. WILSON of Louisiana. It is in a printed record, yes; and it was before the canvassing board, so the canvassing board certified to the governor.

Probably some other members of the committee desire to discuss this matter, and I do not care to take up any further time. [Applause.]

Mr. ROSE. Mr. Speaker, the matter now under consideration was given a full and fair hearing by the committee to which it was assigned. The principals themselves made their respective statements to the committee, and one of them was represented by counsel.

Every phase of the matter was fully and ably presented to the committee. It is well to say at the outstart that both sides to the controversy admitted, of record, that no charge of fraud or mistake upon the part of the voters at any of the precincts had or would be made, which will appear by reference to the testimony given before the committee.

In my opinion, this admission greatly reduced the labors of the committee so that the contest was narrowed down to the action and conduct of various court officials, election officers, the decisions of the canvassing board, the law governing elections in Alaska, and the decision of the court upon petition for mandamus.

One of the outstanding features in the hearings before the committee was the total absence of partisanship, and I am pleased to say that the findings of your committee were based upon their conception of the facts and the law, without regard to party affiliations, a course that I hope may be followed hereafter in all contested cases.

The entire proceedings are fully and forcefully presented by the able chairman of the committee in the report which he has filed for your consideration, and I might say that the recommendations offered have the support of the entire committee and therefore there is but little more to be said in support of the reasons and law assigned in support of the conclusions announced by the chairman.

I fully agree with his interpretation of the law governing the case and desire to add that the findings of the committee follow the well-established precedents of the House in cases involving like questions.

However, I want to add a few observations which are very interesting to me and may throw a few sidelights which, in a small measure, may be helpful.

The canvassing board for the Territory of Alaska consisted of the governor, the surveyor general, and the collector of customs. The duty of this board was to canvass the votes as returned for the election held in the Territory of Alaska on November 7, 1916, and we find on page 56 of the report with reference to the voting precinct of Utica, inter alia, the following:

GOVERNOR. We received no certificate. However, I have here a telegram from the clerk of the court from the second judicial division under date of December 18, 1916, reading: "Utica made returns without certificate. Returns to you may have certificate. For reasons unknown, election blanks and ballots failed to reach Utica and Deering. Utica election no doubt legal, but returns probably defective."

Then, on January 11, I received this telegram from the clerk of the court: "Second set election returns Utica precinct, including certificate, register of oaths of judges, and pay roll received this office to-day. All in due form and properly signed."

It will be noticed that the clerk of the court above mentioned makes known the fact that he has the certificate required in his possession.

Quoting further from the record, page 70, wherein it is shown that the canvassing board had concluded to issue the certificate to those having the greater number of votes, before the motion was put, Mr. Grigsby, attorney general, makes the following suggestion:

Mr. GRIGSBY. Before you put the motion, Mr. Chairman, I would like the privilege of notifying those who are acting for Mr. Sulzer that they may take such action as is necessary before a certificate is issued. I would like to ask if the character of this motion, if carried, would be final before proceedings could be taken. There might be proceedings for injunction, enjoining the count of what I consider illegal ballots, and if I could have it intimated to me what the intended act of the board is, I could very shortly notify the board.

The time for the issuing of the certificates to the successful candidates was then fixed at 10 o'clock on the morning of March 2, 1917.

The board met pursuant to adjournment, when the announcement was made that it had been served with an alternative writ of mandamus upon the relation of Charles A. Sulzer.

I merely call your attention to the above part of the record—and ask that you read the entire record of the various meetings of the canvassing board—not to impute inside knowledge to any official, but to show that partisan feeling ran high throughout the contest. It may not be at all strange that bright and early the next morning the following announcement was made by the governor:

The board has been served with an alternative writ of mandamus in the case of the Territory of Alaska on the relation of Charles A. Sulzer.

One of the board made answer thereto, admitting all of the allegations in the petition filed to support the rule, which was issued as a matter of course.

The remaining members of the canvassing board made answer to the rule, claiming, *inter alia*, that the board was ministerial and without judicial power and that nothing knowingly had been done contrary to the provisions of any law governing elections in Alaska and making known the fact that they are ready at all times to follow the ruling of the court.

Setting aside the fact that it is claimed that other districts than those attacked did not use official ballots and that no certificates accompanied the returns, as required by section 21 of the law governing elections in Alaska, the court very properly considered only those districts directly attacked, concluding that section 21 of the law is mandatory, and absolutely disqualified the voters in the districts named and thus brought about the defeat of the expressed will of the voters. The section referred to is as follows:

That in any precinct where the election has been legally called and no official ballots have been received the voters are permitted to write or print their ballots, but the judges of election shall in this event certify to the facts which prevented the use of the official ballots, which certificate must accompany and be made a part of the election returns.

The whole question must rest upon whether or not the section quoted is mandatory or directory. If mandatory, the decision of the court should be sustained; if directory, it must be set aside.

The jurisdiction of the court was attacked in a supplemental brief filed by John Rustgard, Esq., *amicus curiæ*, but the reasons were set aside by the court.

It might be well to say that John Rustgard, Esq., appeared at the suggestion of the court, and there is no part of the record that shows he appeared in the interest of Mr. Wickersham, the contestant, but he presented a brief to the court, claiming that the court was without jurisdiction in the premises, and the reasons and decisions supporting his contention are fully set forth.

From Pepper and Lewis Digest of Decisions of Pennsylvania Law, volume 11, column 19488, I quote the following:

Where a person or body is clothed with judicial, deliberative, or discretionary powers, and has exercised those powers according to the discretion, mandamus will not lie to compel a revision or modification of the resulting decision, though in fact it may have been wrong. The court can not control the discretion where it has been exercised in good faith and has not been abused. The party may be ordered by mandamus to proceed to do his duty by deciding and acting according to the best of his judgment, but the court will not direct him in what manner to decide, in case of his refusal to act at all; it may compel him to act or to enter on the duty, but can not compel him to adopt the judgment of the court in preference to his own.

In Black on Interpretations of Laws, page 338, is found the following:

There is no absolute formal test for determining whether a statutory provision is to be considered mandatory or directory. The meaning and intention of the legislature must govern and those are to be ascertained, not only from the phraseology of the provision, but also by considering its nature, its design, and the consequences which would follow from construing it in the one way or the other.

To construe section 21, as above set forth, as mandatory would do injustice to innocent persons, nor would such construction enable those guilty of neglect to gain any advantage, and it is unthinkable that such purpose should be attributed to the Legislature of Alaska or the legislature of any State in the Union. The Supreme Court of the United States has well said:

There are undoubtedly many statutory requisitions intended for the guidance of officers in the conduct of business devolved upon them, which do not limit their power or render its exercise in disregard of the requisitions ineffectual, and by a disregard of which the rights of parties interested can not be injuriously affected.

Provisions of this character are not usually regarded as mandatory unless accompanied by negative words importing that the acts required shall not be done in any other manner or time than that designated.

The citations given by the chairman in his able report show a practical uniformity in the decisions of the courts and the House of Representatives, and I only need to add that in my judgment they are sound in every particular.

It is well settled in Pennsylvania that "may" in a statute is equivalent to "shall" or "must," when the public interests or rights are concerned; but in the case at hand the public is interested only in seeing equal and exact justice done, and are not injured in any sense by the failure or refusal of election officers to add a certificate showing the reason why a certain kind of ballot was not used at an election.

The section of the statute under which the court declared the ballots invalid carried with it no penalties of any kind, and the very last thing that should be done under the circumstances is to make the voters responsible for the misconduct of election officers who are presumed to perform their respective duties under the law.

Owing to the peculiar conditions obtaining in Alaska, its enormous area, its meager transportation facilities, the Legislature of Alaska was not, nor would not be, willing to deprive the voters of their sacred right of voting and having the same officially counted in the returns, and then open wide the door for fraud, and through which misconduct upon the part of the election officials might so easily and would so surely enter.

Under all the conditions governing the election in the Territory of Alaska, in November, 1916, and fully covered by the proceedings in the present case before your committee, I have no hesitation in making the statement that James Wickersham received the greater number of legal ballots cast at said election and is therefore entitled to a seat in the present Congress.

I would like to have the Members of the House, if they find the time, examine the voluminous record furnished to us in this case. I have read the opinion of the court and I have read the proceedings before the canvassing board, and have been struck by a number of sentences in that long opinion of the court. I think it is well to say just here that there was no question raised anywhere that the returns of the canvassing board were not precisely those that were presented to the court. No objection was made before the committee at any time by either contestant or contestee that the number of votes returned from precincts attacked were not exactly as is shown in the record returned here, and this committee, as I understand its province, was not required at any time to make an investigation of the election held in Alaska in 1916. I would say now from my limited knowledge of the powers of the committee, and in the absence of misconduct upon the part of voters, that I would never agree that the people of the United States should be required to expend the enormous amount of money that would be necessary to make an investigation of the election in Alaska in 1916. In my judgment it was the duty of the men who were vitally, personally interested to satisfy this committee whether or not the votes returned were fraudulent. But it is the fact that at no time during the proceedings, either before the court or before this committee, has any person at any time in any manner, directly or indirectly, made any allegations that there was any fraud or misconduct on the part of the voters, and I do not believe the legislature in any State or Territory of the Union would agree to allow election officers to disfranchise men who were admitted to be citizens, who admittedly paid their taxes, and had a perfect right to vote. In this report you will find that there was a number of soldiers who voted. The committee took up that question, and I doubt very much if any attorney in this House would care to say that any soldier by moving his domicile or residence or habitation from one State to another while in the Army of the United States can transfer his residence from one State to another, from Pennsylvania to Ohio or to New York, while in the Army or Navy of the United States. I am glad to know that the law seems to be clear upon that subject, and that no voter is a resident of any State to which he may be forced to go. I can change my residence, of course. I can live in any State in the United States, but if I should be drafted into the Army and be obliged to go from one State to another, I surely can not make my residence in that State, even providing I live there for one year or more, as the case may be. I am sure all of us will recall that nearly every State in the Union provided for the taking of the soldier votes during the present war. It cost the State of Pennsylvania a pretty penny to take the soldier votes during the last election, and I think the statistics will show the cost was exceedingly high; but every soldier, as well as every civilian, has a right to vote at all elections when legally qualified, and I approve of the action of the Commonwealth of Pennsylvania in making it possible for our brave soldiers to vote. This committee considered everything that was brought before it. It has been intimated here, possibly not as fully as I may have conceived from the language used, that the members of the committee were not in

attendance upon all the meetings of the committee. I was present at every meeting of that committee to which my attention was directed, with one exception, and at that time I was absent owing to the death of a relative.

With one exception there was a rather full attendance of the committee at every meeting called and which I attended. My understanding is that one member of the committee is not convinced that section 21, which I have heretofore quoted, is directory, but I am satisfied that, with one exception, the committee has concluded unanimously that the section is not mandatory, at least where it makes no reference to the conduct of the voter and there being no charge of fraud or misconduct upon the part of the voter.

It is clear after the many decisions stated in the report of the chairman that section 21 of the election law of Alaska is directory and not mandatory.

To my way of thinking, section 21 of the Alaska election law is the most remarkable section in any election law of any Territory or State of the Union; it is in a class by itself. It will be noticed that it provides no penalty for its neglect upon the part of election officers, nor does it make any provision concerning the conduct of voters with respect to a certificate, and I am unable to see why the voters may not be disfranchised for any misconduct whatever upon the part of election officers for the same reason.

Surely no law would attempt to punish those who are innocent, who have nothing whatever to do with the failure of election officers to do their sworn duty, and I can not bring myself to believe that the Legislature of Alaska ever intended an act to disfranchise voters because of misconduct of election officers.

For the above reasons, and many others which will be apparent by the examination of the record, I am firmly convinced, without regard to politics in any sense, that the greater number of legal votes in the election held in Alaska in November, 1916, for a Delegate to Congress were cast for James Wickersham, and therefore I have voted to sustain the report. [Applause.]

Mr. SULZER. Mr. Speaker, I should like to be recognized.

The SPEAKER. The gentleman from Alaska.

Mr. SULZER. Mr. Speaker and gentlemen of the House—

Mr. FIELDS. Mr. Speaker, will the gentleman yield?

Mr. SULZER. I do.

Mr. FIELDS. Mr. Speaker, in view of the fact that a full attendance heard the presentation of the committee report, I feel that it is only fair that a full attendance should hear the presentation of the case of the gentleman from Alaska, and therefore I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Kentucky makes the point of order that there is no quorum present, and evidently there is not.

Mr. CRISP. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Anderson	Dominick	Heflin	Mason
Anthony	Donovan	Heintz	Mondell
Ashbrook	Dooling	Helm	Moon
Black	Doughton	Helvering	Morin
Bland, Ind.	Drane	Hood	Mott
Borland	Drukker	Houston	Mudd
Brand	Dunn	Humphreys	Neely
Brodbeck	Dyer	Husted	Nelson, A. P.
Brumbaugh	Emerson	Hutchinson	Nelson, John M.
Burroughs	Essen	Ireland	Nichols, Mich.
Byrnes, S. C.	Estopinal	Jacoway	Norton
Caldwell	Fairchild, Geo. W.	Johnson, S. Dak.	Oliver, N. Y.
Candler, Miss.	Fairfield	Juul	O'Shaunessy
Cantrill	Farr	Kearns	Park
Carew	Ferris	Kennedy, R. I.	Parker, N. Y.
Carter, Mass.	Flood	Kiess, Pa.	Pratt
Carter, Okla.	Flynn	Kincheloe	Price
Cary	Francis	King	Purnell
Church	Fuller, Mass.	Kitchin	Quin
Clark, Fla.	Gallivan	Kreider	Ragsdale
Clark, Pa.	Gandy	Lampert	Rainey, H. T.
Connally, Tex.	Garland	Langley	Rainey, J. W.
Cooper, Ohio	Garrett, Tex.	Lazaro	Riordan
Cooper, W. Va.	Goodall	Lee, Ga.	Robbins
Copley	Graham, Ill.	Leibach	Roberts
Costello	Graham, Pa.	Leshner	Rogers
Crago	Gray, N. J.	Lever	Rouse
Cramton	Greene, Vt.	Lunn	Rowland
Currie, Mich.	Gregg	McClintic	Russell
Dale, N. Y.	Griest	McCulloch	Sabath
Dale, Vt.	Hamill	McPadden	Sanders, La.
Decker	Hamilton, N. Y.	McKinley	Sanders, N. Y.
Delaney	Harrison, Va.	McLaughlin, Mich.	Saunders, Va.
Dent	Haugen	McLaughlin, Pa.	Scott, Iowa
Dewalt	Hayes	Maher	Scott, Pa.
Dies	Heaton	Martin	Scully

Sears
Sells
Shackelford
Sherley
Sherwood
Shouse
Sinnott
Slomp
Smith, Mich.
Smith, Chas. B.

Snell
Snyder
Stafford
Sterling
Sullivan
Swift
Switzer
Tague
Temple
Templeton

Thomas
Thompson
Tilson
Tinkham
Van Dyke
Venable
Waldow
Wason
Welty
Whaley

Williams
Wilson, Ill.
Winslow
Wise
Woods, Iowa
Wright
Young, N. Dak.

The SPEAKER. On this roll call 251 Members answered to their names.

Mr. FIELDS. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will unlock the doors.

EULOGIES ON THE LATE REPRESENTATIVE WILLIAM A. JONES.

Mr. MONTAGUE. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Virginia rise?

Mr. MONTAGUE. Mr. Speaker, I rise to ask unanimous consent that Sunday, the 16th of February, be set aside for memorial exercises on the life, character, and public services of the late Representative WILLIAM A. JONES.

The SPEAKER. The gentleman from Virginia [Mr. MONTAGUE] asks unanimous consent that Sunday, February 16, be set aside for memorial services for the late Representative JONES. Is there objection? [After a pause.] The Chair hears none.

LEAVE OF ABSENCE.

By unanimous consent, on the request of Mr. RODENBERG, leave of absence was granted indefinitely to the Hon. J. K. KALANTANAOLE, on account of illness.

CONTESTED-ELECTION CASE—WICKERSHAM AGAINST SULZER.

The SPEAKER. The gentleman from Alaska.

Mr. SULZER. Mr. Speaker and gentlemen of the House, I fully realize that the House very rarely declines to accept a report of one of its committees, especially when the committee makes a unanimous report, as some Members have understood, but I think that is somewhat of a mistake. It is my understanding that when this contest was originally taken up it was referred to a subcommittee of three and that one member of that subcommittee did not agree with the finding of the committee as to the law and the facts in this case. When the report was voted upon there were only six members of the committee present and of that number five voted for the report and one did not. Now, I think that the Members of the House will fully realize that the conditions have been very unusual during the past two years. Members have been extremely busy with war matters. This is a very voluminous and complicated record, especially to those who are not familiar with conditions in Alaska, and it can easily be presumed that members of the committee have not had an opportunity or had time to go fully into the case. I think that the conditions pertaining in Alaska are so unusual, so different from what they are in most parts of the United States that there is reason for going more fully into this case and discussing it. There are some very important matters involved in this case. If it were but a question as to the personal fortunes of two men, if it were only a question as to whether the contestant or myself should be seated as a Member of this House, I would not be very much disposed to discuss this case so fully and oppose a committee report of this kind, but, Mr. Speaker and gentlemen of the House, there are very much more important matters involved than that. The sanctity of the Australian ballot is at stake in this decision; the question of whether we are going to have a secret ballot in Alaska or whether we are going to have a ballot that is fraudulent is at stake in this question, and therefore I feel that the Members of the House ought to give the matter careful consideration. I have no criticism to make of the committee. I believe that they have conscientiously performed their duty as they saw it, but nevertheless after carefully reading their report a number of times I am more convinced than ever that I was the legally elected Delegate from Alaska to this Congress. I believe that the committee have overlooked many important points, important facts in this case.

I believe that the committee, those of them who have read the record and have paid particular attention to the case, and particularly the distinguished gentleman from Louisiana [Mr. WILSON], the chairman of the committee, have been misled, that they have been confused by this record. And that is true because the contestant in this case, although he was a lawyer and a man who has sat upon the Federal bench, has filled this record with immaterial, incompetent, and irrelevant testimony. I say that the contestant in this case, although he was a lawyer and knew what the legal procedure was, has thrown the ethics of the law

to the four winds and has violated the methods of legal procedure in the way that he took the testimony and introduced it in this case. The contestant had 40 days' time to take his evidence in chief, and then I had 40 days' time to take my evidence. Then the contestant had 10 days' time to take evidence in rebuttal. Now, I am not a lawyer; I am a plain business man; but it is my understanding that evidence in rebuttal should be evidence to refute the evidence that I took in this case. But instead of the contestant taking any evidence, or practically any evidence, to refute the evidence which I had put into the record, he consumed practically all of his 10-day period in taking rebuttal testimony by placing in the record evidence in chief, evidence that he should have taken during his time, his proper time, for taking evidence in chief. Now, what is the result? Mr. Speaker and gentlemen of this House, I have had no opportunity to introduce any evidence into this record to refute the evidence that the contestant took during his rebuttal period. What opportunity has been granted me? There was no way by which I could get into the record. My time had closed, and therefore I say the contestant has taken undue advantage; that he knowingly took undue advantage, because he was a lawyer, and he was a Member of this House for eight years and knew thoroughly what the procedure was in these matters.

The contestant has made every conceivable sort of a charge against me and against my friends, against the officials of the United States Government in Alaska, against the entire press of Alaska, against the officers of the Army, and he has introduced no evidence whatever to substantiate any of his charges. He had every opportunity in the world to take legal evidence, to place officials upon the witness stand, to interrogate them, to take their depositions, but he failed to do it, and he simply placed a lot of ex parte material in the record and his own bald, bare statements of these things at a time and in such a manner as precluded absolutely any refutation of them on my part.

Now, I say that this is the situation, which I feel justifies me and justifies the Members of this House in looking into this case to consider the evidence, and by evidence I mean sworn testimony. I do not mean letters written by political henchmen or political friends. I do not mean telegrams. I mean sworn depositions, where the opposing side has an opportunity to interrogate the witnesses and to bring out the facts. And that is the part of the record that I wish to confine myself to and to explain to the membership of this House.

And before proceeding with these details, anticipating that possibly this may be the last day that I will have the honor to sit as a Member of this Congress, and fearing that possibly before I conclude I may overlook it, I wish to take this opportunity to extend my thanks to the membership for the courtesies that have been extended to me during the period that I have been here. I wish to extend my thanks and appreciation to the Members of this Congress for the kindly interest that they have taken and displayed and manifested in the Territory of Alaska. We are a great, large empire, and we need the assistance of Congress; and it has been very gratifying to me that there has been so much interest displayed in Alaska even though during a time when we were involved in the great war. I hope and anticipate that I may have the pleasure of serving in this House at the following Congress.

Now, Mr. Speaker and gentlemen of the House, one of the principal issues involved in this case is the sanctity of the Australian ballot, the secrecy of the ballot. And in order to arrive at the particular conditions in Alaska, in order to arrive at a proper conclusion as to how this Australian ballot law of ours should be interpreted, I wish to call attention to another very important part of this record, in my judgment possibly the most important part of it, a part that the committee have quite ignored, and that is the question of Indians voting in the Territory. The committee say that the record is indefinite, confusing, and unsatisfactory in regard to the Indian vote, and therefore they take no cognizance of it, or practically none, and make no decision in regard to it. Now, what is the result of that opinion? The result is simply this, that in the Territory of Alaska to-day we have a population of 28,000 Indians, according to the Bureau of Education. We have in that Territory, according to the estimate of the governor, less than 20,000 white people. Now, the committee say this, in practically so many words, that every Indian in Alaska, man or woman—because we have woman suffrage there—is entitled to cast a vote at every election that we hold there. He or she is entitled to cast a vote whether or not he or she is living in tribal relationship, whether or not he or she know anything about the English language, whether they know any candidate who is running or not, and whether they have the slightest conception or not of what the election is for. The committee report says

in black and white, in so many words, "All you Indians in Alaska, regardless of your qualifications, regardless of what you may know, regardless of whether you have severed your tribal relationship or not, as required by the United States statutes, can go into the election booth, and you can void a ballot that is cast by the governor of Alaska or any of its most intelligent citizens."

What is the result if that is the law? What are we going to do in our future elections in Alaska? Are we going to have to submit to political henchmen who fraudulently vote these Indians by wholesale, regardless of what the facts may be, and disfranchise practically all the white people of Alaska? The chairman of the committee and the committee, in its report, have been very solicitous about disfranchising voters. That has been the principal bone of contention in their consideration of this case. That is the reason why they have hesitated to declare our Australian ballot law as mandatory. Why? Because they said that that would disfranchise some voters. I propose to show you, gentlemen, just the kind of voter it was that the committee claimed the court of Alaska, which knows the conditions there, disfranchised. And I want to do it by quoting from the record. I do not want to make a single statement that is not here in legal evidence, taken in a legal manner, and properly and under the regular procedure, because I took no evidence except in that way. I make this charge, that in the precincts of Afognak and Seldovia, which I locate right here in this southwestern portion of Alaska [pointing to map], very close to these Bristol Bay precincts, which the chairman has discussed quite fully—I make this charge, that practically nine-tenths of the voters in those precincts were Indians, living in tribal relationship; that they were living there at the time of this election the same as they had lived there 50 years or more ago; that they knew absolutely nothing about what they were doing; and that as a matter of fact they did not vote themselves, but that they were voted by the political henchmen of the contestant, and they were voted for him. In those two precincts the contestant received 100 votes and I received 28. In those two precincts the record shows that there were not to exceed 28 white people.

Now, I say that those Indians were not qualified. They were not qualified because they were living in tribal relationships.

Mr. SHERWOOD. Mr. Speaker, will the gentleman yield?

Mr. SULZER. Yes.

Mr. SHERWOOD. You say there were 20,000 white people in Alaska and 25,000 Indians?

Mr. SULZER. Twenty-eight thousand Indians.

Mr. SHERWOOD. How many tribes are there, and do they speak the English language?

Mr. SULZER. Well, there are a great many different tribes, a different tribe in almost every locality, and they have their tribal languages.

Mr. SHERWOOD. Do you mean to say there are only 20,000 white people in the whole Territory of Alaska?

Mr. SULZER. That is all we have there at the present time, according to the very best estimates.

Mr. SHERWOOD. Then there are more Indian voters than there are white voters?

Mr. SULZER. I do not think so, because I think that the vast majority of these Indians are not legal voters. But the report of the committee practically makes them voters, and I think that that is a very important matter to be considered.

These Indians are living in tribal relationship and under the United States laws. Under United States statutes, because we have no Territorial law upon the subject, any Indian, in order to become a citizen of the United States, must sever his tribal relationship and adopt the habits of civilized life. Manifestly, if they have not done that, they are not citizens. The committee agree that that is the law, and I do not think that that proposition will be seriously doubted.

Now, let us see if these people are living in tribal relationships or not. We knew or we believed they were, and so we took testimony in these precincts. We placed the chief of the tribe on the witness stand. I want to read to you his testimony. This occurred at Afognak:

TESTIMONY BY GREGORI YAKANAK.

Cecil R. King, first duly sworn as interpreter, and the witnesses were thereupon interrogated through said interpreter.

Direct examination by Mr. DONOHUE:

Q. State your name.—A. Gregori Yakanak.

Q. Where do you live?—A. At Afognak.

Q. What part of town do you live in?—A. In the Aleut village.

Q. Are you the chief of the Aleut village of Afognak?—A. Yes, sir; I am.

Q. Did you vote at the election held at Afognak on the 7th day of November, 1916, at which there was a Delegate to Congress voted for?—A. Yes, sir.

Q. Can you read or write the English language?—A. No.

Q. Can you read or write the Russian language?—A. No.

Q. Can you speak the Russian language?—A. No.

Q. Can you speak the English language?—A. No.
Q. The only language you do speak and understand is the Aleut language, is it not?—A. That is all.

Now, the Aleut language is like nearly all the tribal languages of Alaska. It is not a recorded language; it is not a written language. There is no way in which you can write it. It is a guttural language, and it is very nearly impossible for anyone who has arrived at maturity to learn a language of that sort. It must be learned from childhood. That is the only language that this man knew anything about. It was the only language that he could speak or understand. I read:

Q. Whom did you vote for—

Mr. SHERWOOD. Mr. Speaker, I would like to ask the gentleman a question.

Mr. SULZER. Very well.

Mr. SHERWOOD. You have a Territorial legislature?

Mr. SULZER. Yes.

Mr. SHERWOOD. How many Indians have you in that Territorial legislature?

Mr. SULZER. Absolutely none. I read:

Q. Whom did you vote for on the 7th day of November, 1916, at which a Delegate to Congress was elected?—A. I don't know; I have forgotten.
Q. What did you do when you came to the place where they were holding the election?—A. I had somebody to write it for me and I then put it in the box.

Q. Did you tell any person who wrote it for you who you wanted to vote for for Delegate to Congress?—A. I have forgotten.

Q. Did John Tausivak write your ballot for you?—A. I have forgotten.

Q. Did you tell the person who wrote on your ballot who you wanted to vote for for Delegate?—A. I have forgotten whose name I told him to put on the ballot.

Q. Who told you to come up to the place where they were holding the election and vote?—A. No one. Everybody came up, and I came along.

Q. Did Mr. Petellin fix your ballot for you which you put in the box?—A. I don't know, but I think not.

Q. Do you know any person that you voted for at that election?—A. I do not.

Now, there were a great many other candidates running for offices at this election besides the candidates for Delegate to Congress. There was an attorney general to be elected. There were members of the senate and members of the house of the Territorial legislature. There were road commissioners. There was the question whether the Territory of Alaska should be wet or dry to be voted on. There was the question of whether the Territory of Alaska should have an eight-hour law or otherwise, and various other matters. I read:

Q. Do you know any person you voted for at that election?—A. I do not.

Q. For whom did you vote for attorney general?—A. The interpreter says he can not interpret this in the Aleut language.

Observe that the interpreter says that he can not interpret this in the Aleut language. I read further:

Q. For whom did you vote for senator?—A. The interpreter says he can not interpret this in the Aleut language.

Now, those are the kind of people that the committee are so solicitous about disfranchising. Those are the kind of people that men who wish to indulge in election frauds do not want to have to use an official ballot that is numbered in duplicate and that must be used according to law in a specified manner, that must be obtained from the election judges, when one number is taken off and the voter directed to go immediately to the booth and prepare his ballot and bring it back and hand it to the election judges.

Mr. SHERWOOD. Does the ballot law passed by your legislature require any educational qualifications for an elector?

Mr. SULZER. Only the educational qualifications which will enable him intelligently to use the ballot. That is all. Now, when he gets into that booth he must go in there alone. He must mark that ballot. How can a man do it if it is impossible even to interpret the words describing the title of the candidate into his language, the only language he knows anything about? How is it possible for that man to cast a legal vote? When we pass a law in order that we may have a secret ballot and clean and pure elections, is it any crime if incidentally we disfranchise a man of that kind? Is he of more importance than all the other intelligent voters of the Territory of Alaska?

Mr. CHANDLER of New York. Will the gentleman yield?

Mr. SULZER. Yes.

Mr. CHANDLER of New York. Is it your claim that all the illiterate voters voted for the contestant and all the others for the contestee?

Mr. SULZER. I will say to the gentleman from New York that in this record it appears that everyone who was placed upon the witness stand, where it was determined how he voted, swore that he voted for the contestant. The total vote of these two precincts shows that the voters voted largely for the contestant.

Mr. CHANDLER of New York. Did the gentleman, in making his canvass for the position of Delegate from Alaska, solicit the votes of those illiterates?

Mr. SULZER. I did not. [Applause.]

Mr. CARAWAY. They naturally voted for the other party, did they not? [Laughter.]

Mr. SULZER. Now, Mr. Speaker and gentlemen, I want to tell you a few things that happened in these precincts at some previous elections. I want to show why it became necessary for us to do something to purify our elections in Alaska. I want to show you why we adopted the Australian ballot system. In the election at Afognak some years previous to the election that we are considering, the election judges voted scores of Indians who were not within miles of the precinct at all on election day. The election judges were convicted of that offense, and it is in the record. They voted them without their being present at all. It was not a question of using official ballots, but they voted people who were miles away from that precinct on that election day.

What happened at the precinct of Seldovia in the election of 1914, when the contestant in this case received every single vote in that precinct and his opponent received not one vote? There were something like 100 votes cast in that precinct at that election. What happened there? Why, this is what happened. During the dinner hour, when two of the judges went to dinner, the third judge opened the ballot box, took out all the ballots that were cast for the opponent of the contestant, and replaced them with ballots for the contestant; and when the election judges counted the votes of that precinct every one was for the contestant. It was unanimous. [Laughter.] Now, those are the kind of elections that we have been having in Alaska. That is the sort of thing that those who are in favor of decent, clean elections have been trying to overcome. That is the reason why we passed this Australian ballot law. I was a member of the legislature that passed that law. I was a member of the senate, and I went there knowing that my constituency and the constituency of practically every other member of that legislature insisted that something be done to stop these fraudulent practices which were going on almost wholesale in these out-of-the-way precincts.

Mr. GOODWIN of Arkansas. Is what the gentleman is now stating a matter of public record?

Mr. SULZER. The matter that occurred in Afognak is a matter of official record, in this record.

Mr. GOODWIN of Arkansas. I do not question the gentleman's statement at all, but will he incorporate that in his speech?

Mr. SULZER. The statement as to what happened at Afognak is found in the testimony of the watcher of the contestant, Mr. Ernest Stricker, who testifies at considerable length in this record.

Mr. GOODWIN of Arkansas. There is no controversy about the truthfulness of that statement, is there?

Mr. SULZER. I do not think so. In regard to what happened at Seldovia, I will say that that is not in the record, and there is no official record of it, but it is a matter of common knowledge in Alaska. The gentleman who performed this feat boasted about it at various times in the Territory, and it is a matter of common knowledge in that section.

Mr. Speaker and gentlemen of the House, you can readily understand that where there is no official ballot, where any kind of a ballot can be used, where you can write a ballot on a shingle or on a deerskin, outside of the polls, and make it legal, all sorts of frauds can be perpetrated. There is no question about that. I think it will be readily admitted that that is the reason why the Australian ballot law has been universally adopted. It can be readily understood that in these remote precincts in Alaska, where there are possibly one or two white men running a little store, or doing something else, and the balance are helpless, illiterate natives, any sort of an illegal, fraudulent practice can be pursued unless there are some safeguards thrown around the election and unless there is an election law that will give some protection to the legitimate, legal voters of the Territory. That is exactly the reason why we passed this law, and that is precisely the reason why I am so sincerely and intensely interested and concerned in upholding it. I am very much more concerned about that, gentlemen of the House, than I am about serving here for two months longer.

Mr. KINCHELOE. Will the gentleman yield?

Mr. SULZER. I will.

Mr. KINCHELOE. Under the law of your territory, are Indians living in tribal relations entitled to vote?

Mr. SULZER. No, sir.

Mr. KINCHELOT. Was there any evidence introduced by the contestant undertaking to show who were the beneficiaries of any of these votes?

Mr. SULZER. No, sir.

Mr. MOORES of Indiana. Will the gentleman yield?

Mr. SULZER. Yes.

Mr. MOORES of Indiana. How about the 28 Indians residing on the Hydaburg Reservation who voted at Sulzer?

Mr. SULZER. I will say that there was not an Indian voted at Sulzer. I will say to the gentleman that the contestant has not introduced a single bit of evidence to show that an Indian voted at Sulzer. He made a lot of allegations and introduced some evidence.

Mr. MOORES of Indiana. Does the gentleman know the voters at Sulzer?

Mr. SULZER. I do know them all. I will say that that is the very thing I endeavored to explain at the beginning of my remarks—that instead of the contestant taking any evidence at Afognak or Seldovia during his period of rebuttal, instead of putting evidence into the record to refute the statement that the Indians were living in tribal relations and not qualified, what does he do? He takes the time for rebuttal and makes allegations and introduces one witness about voting at Sulzer, and has not proven a single thing by it. He did it under an illegal procedure, because he gave me no opportunity whatever to introduce any evidence showing that there was not an Indian that voted at Sulzer. I could have done it; I could go to the United States Bureau of Education in the city of Washington; I could go to the Department of Commerce in the city of Washington and put the officials of those departments on the witness stand and prove that every one of those people who voted at Sulzer was a citizen of the United States and not an Indian, because the law of the United States says what an Indian is in Alaska. It says that a citizen is one who has severed his tribal relations and adopted the habits of civilized life.

That is the case of every man who voted at Sulzer. I could have proved it conclusively if the contestant had given me any opportunity to do so, but he gave me no opportunity to introduce any evidence to prove it. He subpoenaed five witnesses in the city of Juneau, and the first one was the Rev. David Waggoner, and when he put him on the stand the testimony that he elicited from the Rev. David Waggoner was so unsatisfactory to him that he did not interrogate another one of those five witnesses that had been subpoenaed. That is the record, and I will prove it before I get through with this case if I have the time.

I want to say that the contestant made a trip from Seattle to Craig, Alaska, where I had given notice that I was going to take testimony. On that trip he passed through the town of Sulzer. On that trip he was entertained at the home of the contestee in this case. He spent several days at that place. He was taken in the launch of the contestee in this case a distance of 60 miles to Craig and return, and he passed the village of Hydaburg on both occasions. He learned all the ins and outs of the conditions existing in that section of Alaska.

Now, why did he not take some testimony? Why did he not put some witnesses on the stand to prove that any Indians who had not severed tribal relations voted at Sulzer, if there was a possibility or chance to do it. No; he absolutely ignored the whole thing, and then had one of his attorneys in Juneau call some witnesses, endeavoring to prove it during his rebuttal time.

Mr. MOORES of Indiana. Will the gentleman yield?

Mr. SULZER. Yes.

Mr. MOORES of Indiana. How did the Indians vote at St. Michael No. 1?

Mr. SULZER. I do not know that there are any Indians there.

Mr. MOORES of Indiana. How far is St. Michael No. 1 from St. Michael No. 2?

Mr. SULZER. About 60 miles.

Mr. MOORES of Indiana. Does the gentleman know that part of the country?

Mr. SULZER. Yes; I spent three weeks at St. Michael in my campaign, because I could not get a boat up the river.

Mr. MOORES of Indiana. The gentleman does not know that there are any Indians in St. Michael No. 1?

Mr. SULZER. No, sir. Now, the contestant endeavored to befuddle and confuse this committee. I took testimony to show that Indians voted in St. Michael No. 2, and he has attempted to befuddle and confuse the committee by making a charge that Indians voted in St. Michael No. 1. He has endeavored to leave the impression that St. Michael No. 1 and St. Michael No. 2 were precincts of the same town, as anyone ordinarily would presume who did not know the facts and did not know

the difference. But there is a wide difference. He took an unfair advantage of the members of the committee when he did that. There is no connection between St. Michael No. 1 and St. Michael No. 2. St. Michael No. 1 is the town of St. Michael, near the mouth of the Yukon River, the headquarters of vessels operating on the Yukon River.

Mr. MOORES of Indiana. Is it not a long ways from the mouth of the Yukon?

Mr. SULZER. I will show you gentlemen on the map. Vessels have to come out a little way from the mouth and pass through Norton Sound.

Mr. MOORES of Indiana. How far from the Yukon River is it—100 miles?

Mr. SULZER. No; I do not think so.

Mr. MOORES of Indiana. Eighty miles?

Mr. SULZER. No; about 60 miles. St. Michael is an old-established point in Alaska. It is the headquarters for commercial companies operating on the Yukon River.

It has large stores, and all of the vessels that ply on that river start from St. Michael, and they go around Norton Sound, it is true, and enter the river, because it is impossible to build a town at the mouth of the river—that is all. I do not know that there are any Indians at St. Michael. Certainly, I do not know that any voted there. What is the truth about St. Michael No. 2? St. Michael No. 2 is the Indian village of Unalakleet. It is not St. Michael at all. It has no relation with St. Michael. Here is St. Michael on the map and here is Unalakleet—about 50 miles farther up the bay from it. There are scarcely any but Indians at Unalakleet, and because the commissioner happened to designate Unalakleet precinct as St. Michael No. 2 the contestant endeavors to have the committee understand that the same conditions exist in St. Michael No. 1 as exist in St. Michael No. 2, and he simply made charges in his brief against St. Michael No. 1 because he wanted to take some unfair advantage. That is exactly what the situation is.

Mr. Speaker, let me read a little more of this record. I only read you the testimony of Chief Gregori Yakanak, chief of the Aleuts. I think that fact in itself proves that these Indians were living in tribal relations, because if they were not they would not have a chief, and when we put the chief on the stand and he swears that he is the chief, that proves it conclusively. But let me read a little more. I want to read from the testimony of John Taushwak, on page 272. John Taushwak was one of these Indians who has progressed a little beyond the others and who had a little more intelligence than they had. He was the acting henchman of the contestant in this particular election to round up the Indians and vote them. This is the testimony found on page 272 of the official record:

TESTIMONY OF JOHN TAUSHWAK.

Q. State your name.—A. John Taushwak.

Q. Where do you live?—A. Afognak.

Q. Whereabouts in Afognak?—A. In the Aleut village.

Q. Did you vote at the election held November 7, 1916, at which said election a Delegate to Congress was voted for?—A. I did.

Q. For whom did you vote for Delegate to Congress?—A. I voted for Wickersham.

Q. You helped seven or eight?—A. Yes; they could not read.

Now, John Taushwak was not a judge of election at Afognak. He was not an official of any kind, he swears that he voted for Mr. Wickersham, and the record abundantly shows that he was the man who was looking after the contestant's interests among these helpless Indians. He swears on the witness stand that he helped seven or eight of these Indians to vote. I say that beyond the fact that these Indians were living in tribal relationship, and therefore not entitled to vote, that they were voted fraudulently, because others went into the election booths and prepared their ballots, and they did not do it at all, and those ballots are absolutely fraudulent. Still the committee say there has been no charges of fraud in this case.

Mr. DILLON. Mr. Speaker, will the gentleman yield?

Mr. SULZER. Yes.

Mr. DILLON. The gentleman says that they were fraudulent votes. Does the gentleman make any specific charge in his answer as to wherein they are fraudulent?

Mr. SULZER. Yes.

Mr. DILLON. What part of the answer?

Mr. SULZER. It is in the answer.

Mr. RUCKER. Let him read the answer.

Mr. SULZER. Yes; the gentleman will have to read the answer; I could not place my hand on that at this moment. But there is no question about that. The committee say there have been no charges of fraud in this election. The committee say that there has not been any evidence of fraud produced. Mr. Speaker and Members of this House, we certainly made allegations of fraud in these precincts. That was our particular answer. We certainly took testimony—sworn testi-

mony, depositions. There are 133 pages, one-third of this record, which consist of depositions of Indians—bright as day, no contradiction about it at all—that show conclusively there was fraud practiced in these precincts.

Mr. RAKER. Mr. Speaker, will the gentleman yield?

Mr. SULZER. Yes.

Mr. RAKER. What are the names of the two precincts that the gentleman last referred to, where there were one hundred and some odd Indian votes and 23 white votes?

Mr. SULZER. Afognak and Seldovia.

Mr. RAKER. Does the gentleman recollect the number of votes cast in those two precincts?

Mr. SULZER. One hundred votes cast for the contestant and 28 votes for the contestee.

Mr. RAKER. How many white men voted at that election? They say you took depositions.

Mr. SULZER. It is impossible for me to say. All I can say is that the sworn testimony shows that there were not to exceed 15 white people on Afognak Island at the time of this election—the contestant's own watcher at the polls—and he swears that he was appointed as a watcher for the contestant and swears that there were not to exceed 15 white people on this whole island.

Mr. RAKER. Is it the gentleman's contention that the Indian voters there voted, or that the people who voted as Indians belonged to the Indian tribe and were still under tribal relations?

Mr. SULZER. Absolutely.

Mr. RAKER. And had not been released and were not living as white people?

Mr. SULZER. They had not.

Mr. RAKER. Does the record show approximately the number of Indians thus situated that voted at those two election precincts?

Mr. SULZER. I think it does. I think the record shows it quite clearly.

Mr. RAKER. And about what is the estimate of Indians thus situated who voted as compared with the white people who voted?

Mr. SULZER. I think it is about 100 to 28.

Mr. RAKER. One other question and then I am through. What was the final disposition of the committee as to those two precincts?

Mr. SULZER. The committee said that while there undoubtedly had been some illegal votes cast, still the evidence was so indefinite, so confusing, and so unsatisfactory that they could arrive at no conclusion about it, and simply ignored it.

Mr. RAKER. What does that ignoring mean?

Mr. SULZER. That they came to no decision about it at all, and they let those votes stand, and interpret that to mean that they think those votes were all right.

Mr. RAKER. They must have acted affirmatively or negatively. They accepted the vote in those precincts?

Mr. SULZER. They accepted it, certainly. I will read from the report of the committee to show the gentleman. On page 15 of the committee's report, about the fourth line from the top, this is what they say:

The evidence fails to disclose any intention or attempt to commit fraud at either of the precincts in question and where the Indians voted.

That is what the committee say, that the evidence fails to disclose any intention to commit fraud. I want to show, by reading some of this record, there was a very decided intention. I think the testimony of John Taushwak shows that he voted seven or eight Indians instead of their voting for themselves, and is manifestly fraud on its face, yet the committee say they can not find any evidence of attempt to commit fraud. The committee further says:

The election officers have particular knowledge of the conditions and the people in the localities surrounding precincts where they reside, and it is their duty to know that each voter is duly qualified before permitting him to deposit a ballot. These officers are presumed to have performed this duty.

In other words, the committee ignored absolutely the sworn depositions which we placed in the record at great trouble, difficulty, and expense, and they simply base their action on the assumption that election officers would not fail to perform their duty.

Mr. RAKER. Both parties appeared at those two election precincts named with witnesses before a notary when the depositions were taken?

Mr. SULZER. Yes, sir.

Mr. RAKER. Now, approximately how many witnesses testified in those two precincts when the testimony was taken before a notary?

Mr. SULZER. I think there were about 20. There are 133 pages of the record. I did not count them up so as to know how many witnesses there were, but I think there were about 20 persons placed upon the witness stand whose depositions were taken very fully, some of the depositions consisting of four or five pages of the record.

Mr. RAKER. That is set out in the record; but, in the gentleman's recollection, what is the epitome of the testimony of those witnesses as to whether or not those Indians were living in tribal relations and therefore not qualified to vote, or had abandoned their tribal relations and were living a civilized life?

Mr. SULZER. The testimony is absolutely conclusive that they were living in tribal relationship.

Mr. DALLINGER. Will the gentleman yield?

Mr. SULZER. I will.

Mr. DALLINGER. I would like to ask the Delegate from Alaska who appoints election officers at those precincts of which he speaks.

Mr. SULZER. Oh, I know the contestant has made all sorts of charges against me; that I was in control of all the election machinery in Alaska, that I control the court, and that the election officials were all against him, and all sorts of rubbish of that kind. I know he has filled the record with that sort of stuff. I know he has told you that the canvassing board consisted of three Democrats who were appointed by the President, that the judges were all appointed by the President, and they in turn appointed all the commissioners; that they in turn appointed the election judges, and so forth. He has endeavored to convince you that he was not given a fair deal in the selection. He has not put any evidence whatever in the record to prove anything. He had the opportunity to take the testimony of every official in Alaska that he wanted to take, and he did not take any, and he did not make any attempt to put any evidence or depositions in the record, but simply endeavored to make his proof by a bald statement. What is the truth about the matter? The truth about the matter is this, that as far as the canvassing board was concerned they were ostensibly Democrats. They were appointed by the President of the United States, but they were not friendly to me. Two of them were not, one of them was, or so held, the other two were antagonistic, unfriendly, and opposed to me, and they were friendly to the contestant. And, moreover, the chairman of that canvassing board—the man whom the contestant says endeavored to give him the certificate—was an illegal voter himself in this very election. He cast an illegal vote and then he sat as chairman of this canvassing board to decide on illegal votes and decide on our election laws and say whether those votes coming before him were legal or not, and he himself was an illegal voter, and he knew he was an illegal voter. Why was he an illegal voter? Why, because he was not a citizen of the United States. That is the sort of a man who was at the head of this canvassing board holding the high office of governor of the Territory of Alaska for nearly five years when all the time he knew it was totally illegal, that he was not a citizen—

Mr. DALLINGER. May I ask who it was who appointed this man?

Mr. SULZER. I said that the President appointed him. I will say further that the Democrats of Alaska recommended him and he obtained his appointment upon their recommendation, but that does not prove anything. [Laughter on the Republican side.] The Democrats can make mistakes as well as anybody else and they made a bad mistake in that instance. They acted in perfectly good faith but they did not know the sort of man he was and nobody else did until the facts were later developed on investigation by the Interior Department. But that sort of man was passing judgment on whether I should have a certificate to this House or not. Now, when you come to the election judges there is an entirely different condition existing there from what the contestant has endeavored to make the committee believe existed. In the first place in all incorporated municipalities of Alaska the commissioners have absolutely nothing to do with elections—

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WILSON of Louisiana. Mr. Speaker, I ask unanimous consent that the gentleman from Alaska be permitted to proceed until he concludes his statement.

The SPEAKER pro tempore. The gentleman from Louisiana asks unanimous consent that the gentleman from Alaska be permitted to conclude his statement. Is there objection? [After a pause.] The Chair hears none.

Mr. SULZER. Now, the election judges—
Mr. NORTON. Mr. Speaker, was that request granted? I was going to suggest if it would not be well to limit the time

and not have it unlimited. But, however, give the gentleman reasonable time.

Mr. SULZER. I will conclude as quickly as I can, I will say to the gentleman.

The election judges in these municipalities are appointed by the town councils, and they are not partisan at all, and the commissioners have absolutely nothing to do with it.

I would like to have the attention of the gentleman from Massachusetts [Mr. DALLINGER]. He interrupted me and wanted this explanation, and I am endeavoring to give him the facts. As far as the commissioners outside of the municipalities are concerned, they are very seldom changed. Many of them have been there for years. They are the only persons available in many of these small places, and the only persons equipped to act and serve as commissioners; and it is not a partisan question at all. The record abundantly shows in a great many instances the officials were the friends of the contestant rather than friends of mine.

Now, let me read a little further from this interesting record. I want to read you from the testimony of Mr. Mafrey Agick, on page 273 of the record. Cecil R. King was first duly sworn as an interpreter, and the witness was thereupon interrogated through said interpreter.

The testimony reads:

Q. State your name.—A. Mafrey Agick.

Q. Where do you live?—A. Afognak.

Q. Do you live in the Aleut village of Afognak?—A. I do.

Q. Did you vote in Afognak at the election held there on the 7th day of November, 1916?—A. Yes.

Q. Whom did you vote for for Delegate to Congress from Alaska?

And the answer is.

He voted for the new man.

Now, I want to call your attention to another little deception which the contestant has practiced in this case. In his printed brief he set forth how these Indians voted and he showed that most of them voted for him. Some of them said they did not know, but the record shows that those who did not know did not vote; that someone else voted for them; and the record shows conclusively who those people voted for. But he says one of these Indians voted for me, and that it was this Mafrey Agick. He endeavors to have the committee believe that one of these Indians in Afognak voted for me, and he so states it in his brief. I want to show you just how truthful he is about that. Here is the testimony of Mafrey Agick:

Q. Who did you vote for for Delegate to Congress from Alaska?—A. He voted for the new man.

The contestant put that in his brief. He says "new man" and follows it with "Sulzer," so the impression is that the evidence shows that this man voted for me. Let us read a little further in the record:

Q. Who took him to the polls?—A. He says everybody went to the polls alone.

Q. Who marked your ballot?—A. My relative, John Taushwak.

He says "my relative, John Taushwak," marked his ballot.

Now, John Taushwak, as we have seen on the opposite page, voted for Wickersham, and the record abundantly proves he was Wickersham's henchman there and was getting all these Indians to vote for him.

Q. Who marked your ballot?—A. My relative, John Taushwak.

Do you believe this relative, this worker for Wickersham, John Taushwak, was so good as to vote for me? No; he did not.

What is the next question? It is:

Q. How do you know you voted for the new man?—A. The people said so.

That is how he knew. The people said so.

Q. As a matter of fact, don't you know you don't know for whom you voted?

Now, here is the answer:

A. I don't know for whom I voted.

Of course he did not know for whom he voted. None of them knew for whom they voted, outside of John Taushwak. He is the only one that knew anything at all about the election there.

Mr. HASTINGS. Will the gentleman yield?

Mr. SULZER. I will.

Mr. HASTINGS. Are the Indians in Alaska under the supervision of the Department of the Interior?

Mr. SULZER. No, sir.

Mr. HASTINGS. It has nothing to do with them?

Mr. SULZER. Except the Department of the Interior maintains some schools for them.

Mr. HASTINGS. I want to say that in the United States proper the decisions of all the courts are to the effect that the question of tribal relations is a political question and only for the department to determine. That is the reason I asked the

question. If they were under the Interior Department there it was a question of their tribal relations being recognized or not recognized by the Interior Department. You say they are not under the Interior Department?

Mr. SULZER. The Indians there have been treated somewhat differently than the Indians in the States. They are not wards of the Government, and the only thing the Government has done for them is to maintain schools in some of these places and endeavor to give the children an education. It has on other occasions extended relief in cases of sickness and distress, and to prevent or control epidemics and things of that sort, but beyond that the United States Government has never done anything for the Indians in Alaska.

Now, the test as to whether they are citizens or not comes under the interpretation of the law as to whether they have severed their tribal relationship. If they have not, then they are not citizens.

Mr. WILSON of Louisiana. Will the gentleman yield? I wanted to ask a question.

Mr. SULZER. I yield to the chairman of the committee.

Mr. WILSON of Louisiana. I have read every word of this testimony about the Indians, and do I understand the gentleman to state that John Taushwak stated that he voted the ticket that his people referred to in his testimony?

Mr. SULZER. Yes.

Mr. WILSON of Louisiana. Now, his testimony, if you read the cross-examination, stated that each one of those men fixed his own ticket. Now, I read this testimony very carefully to find out about these Indians, because I was very much impressed with the charges against places where Indians voted in the Territory. I think it would have been best if none of them had voted.

If I had the authority or the opportunity to make a choice, I think it would be best to take the opinion of the one who voted. But I was unable to find, in reading the testimony, where they did not mark their tickets. Many of them, I think, had been pasted on the outside. They got their tickets from the commissioners. John Taushwak states that he did not fix these tickets. He states that in his cross-examination. I wanted to say that in the interest of correctly informing the House.

Mr. ALEXANDER. If the witness himself says he had it fixed for him, why not take his word for it?

Mr. MONTAGUE. If they could not read or write, how could they fix their tickets?

Mr. WILSON of Louisiana. They could not. I have read this testimony carefully to find what kind of a system they used, and I do not think it is in the testimony of this man that he marked the tickets.

Mr. HARDY. Mr. Speaker, will the gentleman yield?

Mr. SULZER. Yes.

Mr. HARDY. It seems to me that the gentleman read from the testimony of this man who voted for the new man, and that man said John Taushwak made out his ticket for him.

Mr. WILSON of Louisiana. No. My question was whether Taushwak marked the ticket for him.

Mr. HARDY. No. He said this other witness said John Taushwak made out the tickets for them.

Mr. SULZER. Mr. Speaker, I would say to the gentleman from Louisiana that in the direct testimony of John Taushwak he swears that he helped seven or eight. Take the testimony of Mafrey Agick. He does not know whom he voted for, but he swears that Taushwak marked his ballot. I know that the contestant had a very astute lawyer at the hearing, and this lawyer endeavored to try out these rather helpless witnesses in the attempt to disprove the testimony that we had taken.

But those are mere technicalities. The record is clear and conclusive and abundantly shows that all of these Indians are living in tribal relationship. And that is the test. They are not qualified voters, and those who used them knew they were not qualified. Moreover, I think the record shows conclusively that they were fraudulently voted, and I think that if any fair-minded person will thoroughly consider this record, he will say that these two precincts were fraudulent and that they should be thrown out.

Mr. HASTINGS. Mr. Speaker, will the gentleman yield?

Mr. SULZER. Yes.

Mr. HASTINGS. At how many precincts did the Indians vote? At more than the two precincts named?

Mr. SULZER. As far as the record discloses, there are only three that we have in the record.

Mr. HASTINGS. About how many Indians voted at the three precincts?

Mr. SULZER. Well, there were somewhere around 175, I should think. Oh, I beg the gentleman's pardon; I will have to stand corrected on that, because the record shows conclu-

sively that in these precincts where these official ballots were not used, where they were thrown out by the court, they were largely Indians of this same type and character.

I am going to show that in a little while. That is the reason why I am elaborating somewhat on this Indian vote, in order to show the Members of this House that the conditions existing in Afognak and Seldovia were practically the same conditions that existed in these other precincts, where they not only went into the booths and marked the ballot, where they used the official ballot, but where they went still further, because they were a little more isolated and they thought they could get away with it, and undoubtedly they threw away the official ballots altogether, because they were a nuisance to them.

Mr. HASTINGS. Do the Indians understand the English language?

Mr. SULZER. Some of them understand a little about it.

Mr. HASTINGS. What percentage of those who voted speak or understand the English language?

Mr. SULZER. I think very few of them. I will develop that by reading a little more of the record.

Mr. WILSON of Texas. Mr. Speaker, will the gentleman yield?

Mr. SULZER. Yes.

Mr. WILSON of Texas. I want to understand if this board first denied you the election certificate, and then the court, upon passing on the matter, taking the testimony and going into it fully, awarded a certificate favorable to you?

Mr. SULZER. Yes; that is substantially correct.

Mr. WILSON of Texas. What court was it?

Mr. SULZER. The United States district court. I will explain it fully to the gentleman. What happened was precisely this: The canvassing board, consisting of the governor, the surveyor general, and the collector of customs of Alaska, met and considered these facts. They had a great many questions coming up in regard to the legality and illegality of various votes. As a final proposition, they eventually submitted all these questions to the attorney general of Alaska, and they asked his written legal opinion on 22 different questions.

The attorney general considered those questions in two separate opinions. In the first opinion he answered 19 questions regarding various irregularities in the returns, and said that in all these cases the ballots should be counted. In the other opinion he considered the other three questions, which were in regard to this official Australian ballot, and he stated that five precincts must be rejected, because the official ballots were dispensed with without any explanation, and because the law in this regard was mandatory.

The chairman of the committee in his report has conveyed just the opposite impression. He quotes a conversation that was had between the canvassing board and the attorney general on the 20th day of January, 1917. The canvassing board did not meet until the 19th of January. This conversation took place on the next day, and it was a mere conversation. They were just talking over the matter in general terms, and the attorney general was asked whether these ballots should be counted or not, and he did not give a decisive opinion about it. He was asked whether the fact that the official ballots were not used was not prima facie evidence that they were not there, and he said, "Well, the chances are that that might be so." The chairman of the committee has thus conveyed the impression that the attorney general advised the canvassing board that these precincts should be counted, but the facts are that subsequently, nearly a month later, after a consideration of this case for weeks, the attorney general wrote an opinion—a very able one, in my opinion—and it is in accordance with the law, stating conclusively that this law is mandatory.

Now, after the canvassing board had received that opinion from the attorney general—and he was the legal adviser of the board—and after they had followed his advice in every other instance, they refused to follow him in this instance. Why? Because if they followed him the certificate would issue to me, and if they did not follow him the certificate would issue to the contestant. When that happened, my friends said, "Sulzer, you are being taken advantage of. Moreover, the Australian ballot act that you did so much to get through the legislature will be practically destroyed, and we say you ought to fight this case and you ought to go to court with it." I did so, and the court considered the matter for weeks, and finally rendered an opinion upholding the opinion of the attorney general and instructing the canvassing board to issue the certificate to me. Then the certificate was issued to me, and the extra session of Congress had been called and I hurried to Washington as soon as I could and I was sworn in here on the 3d day of April, 1917.

Mr. McKEOWN. Will the gentleman yield?

Mr. SULZER. I yield to the gentleman from Oklahoma.

Mr. McKEOWN. I want to ask the gentleman about the Eskimos. Do they vote in Alaska?

Mr. SULZER. They did in this precinct of Unalakleet.

Mr. McKEOWN. Are they classed as Indians?

Mr. SULZER. Yes; they are all classed as Indians, and the committee agreed to that.

Mr. McKEOWN. Do they live in tribal relations or not?

Mr. SULZER. I think so. We were unable to go to Unalakleet; at least those who were handling the matter in that particular section did not go there. They took a lot of testimony in Nome, and while it shows conclusively that practically the same conditions existed in Unalakleet as existed in Afognak and Seldovia, still the record is not so conclusive in that particular precinct, and I am not making very much contention about Unalakleet, because the record is not nearly so conclusive as it is concerning Afognak and Seldovia. And if this House thoroughly considers this one question and determines that these two precincts conducted a fraudulent election and that those votes are fraudulent and that the vote of Gregori Yakanak should not be permitted to destroy my vote or to destroy the vote of an intelligent white person in Alaska—if you determine that, then you will vote to seat me in this House, and the other questions will not be at all pertinent, because they will not be controlling in any event.

Mr. GORDON. Will the gentleman yield for a question?

Mr. SULZER. I yield to the gentleman from Ohio.

Mr. GORDON. What evidence of fraud is there in the record?

Mr. SULZER. I have just been reading some of it, and I will continue to read some more.

Mr. GORDON. I mean, what evidence is there as to a fraudulent election, aside from the fact that the judges failed to comply with the statute and certify the reasons for permitting the use of unofficial ballots? Have you any evidence of fraud in the record aside from that?

Mr. SULZER. I have just been discussing it for an hour and showing that these Indians have been fraudulently voted. I have been showing you that these Indians were not citizens, that they were living in tribal relations, that they and everybody else admits—not only the Indians but the white people there admit it—that they are living in tribal relations. We put the chief himself on the stand, and he admitted that he was the chief of the tribe.

Mr. MONTAGUE. Will the gentleman yield?

Mr. SULZER. I yield to the gentleman from Virginia.

Mr. MONTAGUE. Assuming the gentleman's contention to be correct, those votes do not appear to me to be fraudulent, but rather illegal. Does the gentleman draw a distinction between a fraudulent vote and an illegal vote?

Mr. SULZER. Oh, yes. As far as these Indians living in tribal relations and not being qualified voters by reason of the fact that they are not citizens, I will say that they cast illegal votes; but when the record shows that men like John Taushwak went into the polling booth after obtaining ballots from the judges, went in with the Indians and marked their ballots for them, they were practicing a fraud, and the judges of election knew that they were practicing a fraud when they permitted it.

I will read from the record where the judges of election were placed on the stand and admitted that they did that, admitted that they permitted it—admitted that others marked the ballots for these Indians—and that there was no certification on the ballot that such a thing was done. Now, the law on the subject is this, that no one can mark a ballot for a voter except the judges of election. If the voter is illiterate, if he is unable to prepare the ballot himself, he must ask the judges of election to mark the ballot as he directs, and the judges of election must mark it there in public—that is, before the three of them—and they must certify on the back of that ballot that the ballot was so marked by the judges of election. They did not do that. There is no certification on these ballots that they were marked by the judges of election and no certification that they were marked by John Taushwak and these other people. Therefore I say that the whole thing was a fraud from start to finish, and there is no question about it.

Mr. RAKER. Will the gentleman yield there?

Mr. SULZER. I yield to the gentleman from California.

Mr. RAKER. What does the record show as to how these ballots in these two precincts were marked for the voters?

Mr. SULZER. I have not seen the ballots. I can not answer that for the gentleman. I do not know.

Mr. RAKER. I think the gentleman does not understand my question. What does the record before the committee show as to who marked the ballots? Did the judges of election do it or did some outsider do it?

Mr. SULZER. I have just read here that John Taushwak admits that he marked eight ballots, and Mafrey Agik says that his relative, John Taushwak, marked his ballot.

Mr. RAKER. Now, is that disputed by John Taushwak and the election board?

Mr. SULZER. No; it is not, except as the chairman of the committee disputed it.

Mr. RAKER. What page is that on? I want to ask another question, but I want to be specific.

Mr. SULZER. This is on pages 272 and 273.

Mr. RAKER. If John Taushwak did enter the booth and mark the ballots of the Indian voters, was he guilty of a felony?

Mr. SULZER. I think so; I think the judges of election would be guilty of a felony in permitting him to do it.

Mr. RAKER. Under the statutes the judges of election would be guilty of a felony.

Mr. SULZER. Yes. Now I will read a little from the testimony of Ivan Alhoon, on page 266 of the record. He testified through the same interpreter:

TESTIMONY OF IVAN ALHOON.

Cecil R. King, duly and regularly sworn as interpreter.

Q. What is your name?—A. Ivan Alhoon.

Q. Where do you live?—A. In Afognak, Alaska.

Q. Do you live in that part of town known as Aleut town?—A. Yes, sir.

Q. Did you live there on the 7th day of November, 1916?—A. I guess so.

Q. Do you speak the English language?—A. No.

Q. Can you write the English language?—A. No; I can't write.

Q. You do not know for whom you voted for Delegate to Congress?—

A. The fellow I asked to write for me; I don't know whose name he voted for.

Now, that is a sworn deposition. This is legal evidence that the committee says is indefinite and unsatisfactory. Why, I could show conclusively, if I had the time to thoroughly discuss this case, that this evidence is all infinitely more definite and conclusive than a lot of other evidence that the committee has considered and presumed was correct which was not in my favor. Alhoon says, "The fellow I asked to write for me; I don't know whose name he voted for." Is not that conclusive?

Now, let me read from page 284 the testimony of Anton Dolchak:

TESTIMONY OF ANTON DOLCHAK.

Q. How came you to go to Shorty Stoffer's cabin on the morning of election?—A. The fellows told me to go down there and he would show me how to vote for Wickersham.

Q. You, then, were down at Shorty Stoffer's cabin?—A. Yes.

Q. What did Shorty do?—A. He showed me how to vote for Wickersham.

Q. Did he give you anything at the time—I mean any coffee and cake?—A. Yes; he gave me coffee and cake.

Q. Where did you go after you left the polls?—A. I went back to Shorty Stoffer's cabin and had some more coffee and cake.

Q. Did Shorty tell you to come back?—A. Yes.

Q. And you went up and voted for Wickersham?—A. Yes.

Now, that is very interesting. This is what happened at Seldovia. Shorty was an astute white man who lived in Seldovia. He, acting through this man Anton Dolchak, a sort of leader of these Indians, rounded up all the Indians on election day, marched them down to Shorty Stoffer's cabin and fed them up on cake and coffee. The record shows that they had never been there before, that they never had been given any coffee and cake before, and I want to say to the gentlemen of the House that on an occasion of that kind coffee and cake to the helpless Indians in that country is exactly the same as dollars and cents would be in your congressional district. Oh, yes; they were marched down to Shorty Stoffer's cabin and fed on coffee and cake and were instructed how to vote for Wickersham, and then they were marched up to the polls and voted.

Let me read the testimony of Gregory Foxy, on page 287. This is a sworn deposition. The gentleman has a very illuminating name. He gives his testimony through an interpreter, Mrs. Annie Christianson:

TESTIMONY OF GREGORY FOXY.

Mrs. Annie Christianson, first duly sworn as interpreter, and the witness was thereupon interpreted through said interpreter.

Q. What did Mike Dolchok tell you about who to vote for?—A. He told me to put in ballot like he marked.

Q. Did he tell you to vote for Wickersham?—A. Yes.

Q. Did you vote that day?—A. Yes.

Q. Did Mike Dolchok go with you to the polls where they were voting?—A. Yes; Mike went with me over there.

Q. Did Mike mark your ballot?—A. Mike showed me where to vote.

Q. Did you vote for James Wickersham for Delegate to Congress?—A. Yes.

Q. Shorty Stoffer is not a native, is he?—A. No; he is a white man.

Q. You never had visited Shorty Stoffer's house before election day, had you?—A. No.

Q. Did you on the morning of the election of the 7th day of November, 1916, go to Shorty Stoffer's cabin?—A. Yes.

Q. Who told you to go up there?—A. Mike Dolchok.

Q. What did Mike Dolchok tell you to do?—A. He told me I must come up here to the election and vote.

Q. Are you a native?—A. Yes.

Q. What did you do on the morning of election when you reached Shorty Stoffer's cabin?—A. I didn't do anything.

Q. Did you have coffee and cake at Shorty Stoffer's cabin?—A. Yes.

Q. What did Shorty Stoffer say to you about voting?—A. He told me to have some coffee.

Q. Did he show you how to vote and who to vote for?—A. No; Mike Dolchok showed me.

Q. What did Mike Dolchok tell you about who to vote for?—A. He told me to put in ballot like he marked.

Q. Did he tell you to vote for Wickersham?—A. Yes.

Q. Did you vote that day?—A. Yes.

Q. Did Mike Dolchok go with you to the polls, where they were voting?—A. Yes; Mike went with me over there.

Q. Did Mike mark your ballot?—A. Mike showed me where to vote.

Q. I again repeat, did you vote for James Wickersham for Delegate to Congress?—A. Yes.

These people knew nothing about elections, they knew nothing about candidates, it was simply a fraudulent affair rounding these people up and voting for the contestant. I maintain that where a close election is held in the Territory of Alaska it should not be decided by votes of this character. If that is going to be the case then you are never going to have a decent, clean, and pure election in the Territory of Alaska, because if the politicians who will stoop to that sort of work know that they can pursue those practices with impunity, and that if the laws are not mandatory that they do not have to comply with them, that they can do as they please, they are going to do it. They are going to round up these helpless people, vote them in mass, and our elections will be absolutely a farce and disgrace, very much as they were before we had any Australian ballot system in Alaska.

Now let me read a few lines from the testimony of Sam Mercuroff:

Q. Did you vote at the election held November 7, 1916?—A. I did.

Q. Did Mike Dolchok come to you on the morning of election and tell you to go down to Shorty Stoffer's cabin?—A. Yes, sir.

Q. Did you see Shorty Stoffer when you got down to the cabin?—A. He was home.

Q. Did Shorty Stoffer give you some coffee and cake before you went up to vote?—A. I had two little cookies and a cup of coffee.

Q. Did Mike Dolchok or Shorty Stoffer tell you who to vote for for Delegate to Congress?

Mr. RUSTGARD. I make the same objection as I did at the beginning of Mr. Doyle's testimony.

A. Shorty Stoffer never said anything to me.

Q. Did Mike Dolchok tell you how to vote?—A. Yes.

Q. Who did he tell you to vote for?—A. Mike Dolchok gave me a piece of paper and told me to vote it the way it was marked.

Q. Did Mike go with you to the polls?—A. No; I went alone.

Q. Did you vote for James Wickersham for Delegate to Congress?—A. When I came down to the voting precinct they gave me a white piece of paper and it was marked like the yellow one.

Q. You don't know, then, who you voted for?—A. No; I couldn't read the paper.

Q. You don't know the name of anyone whom you voted for on that ticket?—A. No.

Q. Mike gave you a yellow piece of paper down at Shorty Stoffer's cabin and told you to mark the ticket you got from the judges in the same way?—A. Yes.

Q. And you didn't know at the time whom you voted for?—A. No.

Q. You mean you don't know the name of a single person you voted for?—A. No.

Q. Do you read or write the English language?—A. No.

Q. Do you read or write the Russian language?—A. No.

Q. Do you read or write any language?—A. No.

Q. Do you speak the English language?—A. No; I don't.

Now, gentlemen, do you want any more conclusive evidence or proof than that? He was given a white ballot, and swore it was marked the same as the ballot Shorty Stoffer had given him, and when he was asked if he knew whom he voted for he said no; he did not, because he could not read the paper, could not read the ballot.

Mr. TILLMAN. Mr. Speaker, will the gentleman yield?

Mr. SULZER. Yes.

Mr. TILLMAN. Was that vote counted by the committee?

Mr. SULZER. Every one of these votes was counted by the committee, and yet the committee say there were no charges of fraud. When I had my opportunity to appear before the committee in this case—and I was only given 40 minutes' time, for that was all that I could get—I told the committee all of these facts. I made the same argument very much then that I am making now.

Mr. FIELDS. Does the gentleman say to this House that the committee gave him only 40 minutes—he, the contestee—in which to present his case?

Mr. SULZER. The committee decided each side should have two hours' time. I had an attorney who took an hour and twenty minutes, I believe, and therefore I had only 40 minutes at my own disposal.

Mr. WILSON of Louisiana. Mr. Speaker, I wish to say that under the rules of the committee each side was allowed one hour and a half. It was agreed to give them such time as they chose to take, and they agreed on two hours on a side. So that it was by consent of the parties appearing before the committee. The committee would have been glad to give them six hours or

eight hours. So that is a very unfair statement for the gentleman to make.

Mr. SULZER. In that connection I want to appeal to the Members of this House to hear this case and to look into and consider it. I do not want to make a single criticism of the committee. I cast no reflection on the committee at all. I said at the beginning of my remarks that I believe the committee has been misled; that is all. But I say this: That from the time that the contestant started to put in all of this irrelevant testimony of his as rebuttal testimony I have had absolutely no opportunity to present my case until this moment, except these 40 minutes I had before the committee, and a great deal of those 40 minutes, I will say to the gentleman, was taken up by questions asked by members of the committee.

Mr. RAKER. Mr. Speaker, will the gentleman yield?

Mr. SULZER. Yes.

Mr. RAKER. The gentleman has made a very strong statement, and, for one, before I vote on the matter I would like to know wherein the truth lies. The gentleman stated that he had only 40 minutes before the committee, he had no time to present his evidence after the contestant had concluded in the 10 days of the introduction of rebuttal testimony, and that entirely new matter was introduced on rebuttal. Does the gentleman state to the House that he made an application before the committee to have further time in which to introduce testimony before the committee, or did he let it go by default?

Mr. SULZER. I do not recall making any request of the committee for further time. I will say to the gentleman that I was guided very much in this case by the advice of my attorney, and he conducted the case. I was very busy attending to the affairs and wants of my constituents, and did the very best I could for them and have done so since I came here. I thought this case was so conclusive that there was no necessity for me to devote any attention to it; that the facts were so clear, that the decisions of the Attorney General and the courts were so overwhelmingly in my favor, that there was no possibility of the committee holding against me, and what things were done, what action taken, were done by my attorney; but I will say to the gentleman that I do not think there was any opportunity presented under the rules of the House and under the law whereby I could get in any further additional evidence. I certainly told my attorney that I wanted to do that, and I collected a good deal of evidence from the departments of the Government here in Washington, but I could not find any way at all to get it in.

Mr. RAKER. While it may not be material, while it may not be really proper to consider, yet the gentleman has made that statement a couple of times, and for one I want to know the situation. Does the gentleman tell the House that he has gathered material evidence that he understands will rebut the evidence that was placed in the record by the contestant upon the close of his testimony, which evidence was not introduced before the committee at any time?

Mr. SULZER. Oh, yes.

Mr. RAKER. Would it affect the question of the result in this election contest if that evidence were presented to the House?

Mr. SULZER. I think it would, absolutely.

Mr. RAKER. On what particular issue; just in a general way?

Mr. SULZER. Well, there is a considerable amount on this very question of Indians being permitted to vote.

Mr. RAKER. To what extent and to what purport?

Mr. SULZER. The principal evidence that I have in mind right now is evidence along the lines of the answer which I gave to the gentleman from Indiana [Mr. MOORES], who is a member of the committee, in regard to the charge that the contestant made that Indians voted for me at some other precincts in the Territory of Alaska, and that, therefore, it was an even break, that because these Indians voted for him in Afognak and Seldovia, likewise there were Indians who voted for me in other precincts, and that therefore I should not get any benefit from that. He put that all in as rebuttal testimony. I had no opportunity to overcome it. If I had, I would have and could have proved conclusively that his contentions are absolutely erroneous, because there were no Indians who voted for me at these other precincts. They were not Indians.

Mr. RAKER. What as to the status of these Indians that voted at the two precincts named? Had you put in all your case originally?

Mr. SULZER. Yes; we had put it all in. I have just been reading that now.

Mr. RAKER. Is that the only thing that the gentleman was not permitted to present to the committee because of the time limitation?

Mr. SULZER. Oh, no; practically all—

Mr. RAKER. Mr. Wickersham had completed the rebuttal testimony?

Mr. SULZER. Oh, no; practically all the evidence that they took at the city of Seattle during his rebuttal testimony was all evidence in chief and it all reflected upon my character and reputation; it all reflected upon the officials of Alaska. Why, he stated at that time that a campaign fund of \$10,000 was raised by the Democratic Party in Alaska and that all the press was subsidized, was purchased and bought to support me and to defeat him, but he never took a word of evidence in regard to that. He could have put the owners, the editors of those newspapers, on the stand if there was anything he could prove about that, but he could not do it. Why, it was all a malicious lie. That's what it was. Every word he said about there being any fraudulent practices in my election was a lie. Every word that he said about my having any advantage from a campaign fund raised by the corporations or that the press was subsidized was a lie. If he had any evidence he should have taken it and put it in the record. That is the sort of stuff that he got in, and he got page after page of it in, and I submit this record is very confusing and nobody can read the record without becoming confused.

Now, I say these things advisedly. And why? Simply because of this fact, that one of the members of this committee told me this. He said, "I did not give any attention to the decision of the court; I did not pay any attention to it; I did not think it should be given any consideration." I said, "Why, I thought it was a very able decision, a decision of the highest court we have in Alaska; why should it not have consideration?" "Well," he said, "because I thought and believed that it was prejudiced." I said, "Why do you think it was prejudiced?" "Simply because," he said, "no man can sit upon the bench as a judge of the court in Alaska who is your brother-in-law and who is deciding your case who will not be influenced in his decision." I said, "What do you mean?" He said, "The judge is your brother-in-law, is he not?" I said, "No; he is not my brother-in-law; he is absolutely no relation to me." I had never had any dealings with him of any kind, had never been in his court until this case was taken there, and in fact had never been in any court, and I hope I will never get in any more. But that gentleman had read this record rather hurriedly. He had read all this rubbish, these incompetent, irrelevant, and immaterial charges that the contestant had made in wholesale, and he gained the wholly erroneous and false impression by it that this judge who decided this case was my brother-in-law.

Mr. WILSON of Louisiana. Before passing, because I am a little bit particular about the proceedings of the committee, I want to make a statement to the gentleman from California [Mr. RAKER], and that is that there was no application made to the committee for offering additional testimony. Mr. SULZER has reference, I think, to the rules of the House with regard to the time for taking rebuttal testimony, which was taken in Alaska before the case was submitted to the committee, but no application was ever made to the committee, and the time limit for rebuttal testimony has no reference—

Mr. RAKER. Was not discussed at all.

Mr. WILSON of Louisiana. Was not discussed at all. As to the procedure under the rules of the House, the testimony was taken in Alaska long before the case came to Washington at all, and if an application had been submitted to the committee, and I think Mr. SULZER will concede the committee has been exceedingly indulgent in granting time for the consideration of his case, I have no doubt it would have been granted.

Mr. GORDON. If the gentleman will yield. Was there any objection made to these matters which were given in rebuttal which were not contained in the contestant's testimony in chief—was there any objection made to the testimony upon that ground before the committee?

Mr. WILSON of Louisiana. No; that was not taken before the committee. The gentleman understands that when a contest comes before Congress—

Mr. GORDON. I understand that, but in the argument of counsel was it contended that any testimony ought not to be considered because it was not strictly rebuttal testimony?

Mr. WILSON of Louisiana. Yes; there was complaint of some testimony, that in relation to some matters. It was not considered.

Mr. GORDON. The committee did not consider it?

Mr. WILSON of Louisiana. Yes. Probably I will take that up later. I merely rose to the question of setting the committee straight on the question of rebuttal testimony and request for time.

Mr. MOORES of Indiana. Will the gentleman yield?

Mr. SULZER. I will yield for a question.

Mr. MOORES of Indiana. Does the gentleman from Alaska know whether or not his counsel, Mr. Lloyd, filed two briefs, quite extensive ones, with the committee since our decision was announced, and one long after the argument, and before it was announced?

Mr. SULZER. Why, as I understand that question, I will say that after the oral arguments were made the attorneys were given permission to submit a brief citing the authorities on that one particular point as to whether this Alaskan law was mandatory or directory.

Mr. MOORES of Indiana. Do not those three briefs, that were filed since the argument, discuss the whole record?

Mr. SULZER. Not at all. They do not discuss anything but that one point of the mandatory and directory provisions of this Australian law.

Mr. MOORES of Indiana. Has the gentleman read the brief?

Mr. SULZER. Absolutely. I have read everything in the case.

Mr. FOCHT. I understood the gentleman to state that you have in Alaska an official ballot prescribed by the law, and that the election boards there accept any sort of a ballot, with a name written on a shingle, or on a piece of bark, or on a piece of paper. Is that the fact?

Mr. SULZER. They did in five of these precincts.

Mr. FOCHT. I was wondering whether that generally prevailed in Alaska and whether that was the sort of government they have up there under the supervision of the United States. I will say that you are progressing too rapidly if that is the case.

Mr. SULZER. I said that condition did exist until they provided for the Australian ballot law. Since the time of the passage of the Australian ballot law things have been very much better, and the contestant has found it has been very much more difficult to get elected to Congress.

Now, I have read quite extensively from the record in regard to these Indians. I want to read you the testimony of a few of the white people who were put upon the stand in these places. I think that the Indians testified very clearly; but let us see what the white people there say. I will read just a few lines from the testimony of Ernest Strickler, found on page 243, as follows:

Q. Were you a watchman for Judge Wickersham in that election?—A. I was.

Now, this gentleman is the watcher—the watchman—at the polls for the contestant. Manifestly, he is not friendly to me. In fact, there was hardly anyone in that section that was friendly to my cause. These witnesses, you must remember and consider, were nearly all hostile witnesses. They did not want to divulge anything more about these conditions than they absolutely had to divulge. They wanted to make it appear as reasonable as possible. They were endeavoring to defend the case of the contestant. Now, here is the watchman of the contestant testifying:

Q. Did you see anybody mark any of the ballots of these Aleuts other than the members of the election board?

Now, remember the watchman of this contestant in this precinct, the Afognak, is now testifying under oath on the witness stand. He is asked:

Q. Did you see anybody mark any of the ballots of these Aleuts other than the members of the election board?—A. I think John Taushwak marked some.

Q. Did he go into the booths and mark these ballots for a number that could not read or write?—A. Yes; three or four.

He was the watchman there in the polls. He saw this man John Taushwak go into the booth and mark these ballots for these helpless Indians. Is there any doubt in the mind of any Member of this House that that election in that precinct was fraudulent, and that I received the worst of it? Now—

Mr. HARDY. Will the gentleman state how many votes he received in that precinct and how many the contestant received?

Mr. SULZER. Yes, sir; I can state that. I received 15 votes in Afognak and the contestant received 45. I received 13 votes in Seldovia and the contestant received 55.

Now:

Q. Did he go into the booths and mark these ballots for a number that could not read or write?—A. Yes; three or four.

Q. He was not a member of the election board?—A. No.

Now, that is very conclusive. On page 247 the same witness continues:

Q. Who is the chief of the Aleuts?—A. Gregori Yakanak.

Here is the contestant's watchman, who swears that the Aleuts have a chief and that the chief is Gregori Yakanak. He confirms the chief's own testimony on the witness stand. Can there be any doubt in the mind of any Member of this House

that these Indians were living in tribal relationship? And is there any question but that if they are in tribal relationship they are not citizens, and therefore they can not vote, and that these men knew that that was the case and fraudulently voted them?

Q. Out of a population of about 400 people living on Afognak Island and in the town of Afognak on the date of the last election there were about a dozen of them white people, then?—A. Yes; between a dozen and fifteen.

That is all the white people there were on that island according to the sworn statement of the watchman of the contestant.

Now, let me read just a few lines from the testimony of Father N. P. Kashevarof, found on page 248 of the hearing.

Now, this is a gentleman who has been a priest of the Greek Church in that section of the Territory practically all his life. He has been there since 1878. He knows these people thoroughly. He understands all the conditions, and he is placed upon the witness stand, and this is his testimony. First, he goes on to identify these various voters as Aleut Indians. I will not enumerate them all, but his testimony is found on page 248. Then his evidence proceeds:

Q. Do you know whether the Aleuts residing in the Aleut village of Afognak have a chief?—A. They do.

Q. What is the name of their chief?—A. Gregori Yakanak.

Q. Do they live there in tribal relations—that is, does the chief have control of them?—A. The chief acts as their representative in any needs that they may have for him, especially when they are in need or destitute. When the fur laws have been passed, they look to him to advise them when they can hunt and when the season is opened and when it is closed.

Q. Now, do all the members of the tribe of Aleuts obey their chief?—A. Yes, sir.

Q. That has been the case for many years gone by, has it not?—A. It has.

Q. They are living now in the same tribal relations as they did 25 years ago?—A. Yes; only a good deal better now.

Q. So far as their obeying the chief it is the same now as then and always has been?—A. Yes, sir.

Q. You know that most of these parties whose names have been testified to by you as being Aleuts voted at the election held last November 7, 1916?—A. Yes, sir.

Q. Aside from your church records you know that they are Aleuts?—A. Yes, sir.

Now, I would like to read just a few lines from the testimony of Martin Larsen, which is found on page 257 of the record. I read:

Q. Do you know whether John Taushwak, at the election held on November 7, 1917, induced any of the natives to go up and vote?—A. I don't remember.

Q. Did you see him bring any of the Aleuts to the polls?—A. No.

Q. Did you see him write out a ticket for some of the voters?—A. Yes.

Q. Were those tickets for the Aleuts?—A. Yes.

Q. What did he write on those tickets?—A. I don't know.

Q. Did he go into the booths with them?—A. I don't know.

Q. You saw him fix up the tickets?—A. Yes, sir.

Q. He wasn't a judge of election, was he?—A. No.

Q. Now, this John Taushwak is the man that you saw preparing ballots last fall on election day?—A. Yes.

Q. He is the Aleut, then, that can read and write?—A. Yes, sir.

Q. He is the man you saw preparing the ballots at the election?—A. Yes, sir.

Q. You know all of these Aleuts personally yourself?—A. Yes.

Q. And you have known them for years?—A. Yes.

That is very conclusive evidence when testified by white people who are placed upon the witness stand and make their sworn depositions. Now let us read from page 261, from the testimony of E. Petellen:

Q. How long have you resided in Afognak?—A. Since the fall of 1907.

Q. You were one of the judges of election at the election held the 7th day of November, 1916, at Afognak, Alaska?—A. I was.

Q. As one of the judges of election do you recall keeping a registration book of the voters at that election?—A. Yes.

Q. I now hand you the registration book for the November 7, 1916, election at which a Delegate to the United States Congress was voted for, and ask you if this is the registration book that was kept at that election at Afognak?—A. I believe it is.

Q. I will ask you to state what is meant by the "crosses" in ink on the right-hand side of the various names which appear in that registration book?—A. Well, as near as I remember, these crosses were put in for the people who were unable to write and who asked the judges to assist them.

Q. Wherever there is crosses in ink on the right-hand side of the names it is to indicate that the parties were unable to write their own names, then?—A. No; not unnecessary to write his own name, but as near as I can remember some might not be able to write their own names, but as to number I can not state positively.

Q. Is not every name that appears upon this registry book which has a cross at the right-hand side of it written in your own handwriting?—A. I believe they are.

Q. Out of 62 voters who cast their ballots at the Afognak precinct at the election held on the 7th day of November, 1916, there were 21 for whom you made these crosses that were unable to write their own names?—A. They might not be able to write them in English.

Q. Did anybody other than the judges of election at the election held on the 7th day of November, 1916, for the election of a Delegate to Congress assist the illiterate voters in preparing their ballots?—A. Yes; I believe there was.

Q. State who that was.—A. As near as I can remember, believe it was John Taushwak.

Q. How many ballots did John Taushwak prepare for illiterate voters?—A. That I don't remember.

Q. John Taushwak is an Aleut, is he not?—A. Well, he is a native of this country.

Q. He lives in the Aleut village, does he not?—A. Yes.

Q. Mr. Petellin, previous to the last election you were working for Wickersham, were you not? I mean by that you were a strong partisan of Mr. Wickersham's and were advocating his election?—A. You mean the election previous to this one?

Q. No; I mean previous to the election last fall, during the latter summer months, and right up until election day.—A. I might have said a few words in his behalf. I always believe people have a right to vote for whom they please. I didn't want to mix up in politics at all.

Q. Where did John Taushwak prepare these ballots?—A. He prepared them in the voting place.

These people absolutely disregarded the law. On page 265 the same witness proceeds:

Q. John Taushwak was not a judge of the election, was he?—A. No. Q. Did he sign his name on the back of any of the ballots which he prepared for some of those who could not read or write?—A. I don't remember.

Q. Were you the judge of election that prepared all the ballots for the voters who could not read or write?—A. That I can't remember positively.

Q. Do you recall at this time of any of the other two judges preparing any ballots for the voters who could not read or write?—A. I meant to say that the three judges assisted those who requested it.

Q. Did all three judges sign on the back of the ballot the fact that those particular ballots had been prepared for those voters who could not read or write?—A. As near as I can remember.

Q. None of the judges signed the ballots that John Taushwak had?—A. Not that I know of.

Q. Did you in your election returns to the governor of the Territory of Alaska make any note of the fact that John Taushwak prepared any of the ballots for the voters who could not read or write?—A. I don't remember.

Q. You would remember if such a report had been made?—A. I don't remember such a report being made.

I read further from the testimony of the same witness:

Q. Is it not a fact that on the 7th day of November, 1916, the Aleut village had their own chief and the Creole village had its own chief?—A. I think they did have.

Q. Then you say even the Aleuts had a chief last fall at election day, and the Creoles also had a chief: is that correct?—A. I think it is.

Q. You know it, do you not?—A. Yes.

Now, I do not think there is any question, gentlemen of this House, that these two precincts of Afognak and Seldovia conducted an illegal and fraudulent election. I do not think that the committee is justified in permitting those votes to be counted. I think that these two precincts should have been rejected in their entirety, because the evidence shows conclusively on its face that the votes there were illegal and fraudulent, and even though the committee did not see fit to throw out the votes of these precincts entirely, why did they not reject the votes that the evidence shows conclusively were illegal? Why did they not reject a certain number of these votes? Why, they say in their report that there was no way to determine whom these Indians voted for and no way to segregate their vote from the white folks. Well, the record shows conclusively how 21 of these Indians voted. It shows absolutely that they voted for Wickersham, and it shows that they were all frauds. There is not a single word to show that one of them voted for me. Why could not those 21 be rejected?

Now, in regard to the balance, why is it that the committee in this Indian proposition could not follow the same rule that they followed in two precincts where some soldiers voted? They say the soldiers cast illegal ballots, and it was not determined how these soldiers voted or how most of them voted. It was only determined how eight of them voted, and the committee deducted the balance pro rata from both of the candidates. They did that under a rule of law found in McCready on Elections. It was perfectly easy for them to do it in the case of certain soldiers who voted in certain precincts in Alaska. Why could it not be done in these precincts when the votes were absolutely more illegal in every sense of the word than where these soldiers voted? Because the soldiers were certainly citizens of the United States, and they were intelligent people, and knew how to cast an intelligent vote, and the only question there was a technical question as to whether they were legally residents of Alaska. But here is absolutely a different proposition, a question of tribal Indians living in tribal relations; Indians who knew absolutely nothing about the election, and who can not by any manner of means, under any circumstances, cast a legal ballot. And yet the committee say there is no way in which they can take any action in that case.

Mr. BURNETT. May I ask the gentleman how many Indians voted at that place?

Mr. SULZER. Well, Ernest Strickler, who was a watchman for the contestant, and who was very fully interrogated on the witness stand, identifies 19 of them as Aleut Indians.

Mr. BURNETT. And it could not be ascertained for whom any of them voted?

Mr. SULZER. Oh, yes; 21 of them were identified.

Mr. BURNETT. Not out of the 19?

Mr. SULZER. No; 21 out of the entire number who voted there. I was just starting to give the gentleman a statement of how many had been identified. Strickler identifies 19; Father Kashevarof identifies 15; Cecil R. King identifies 17; Martin Larsen identifies 14. They are nearly all identified as Indians, but there were only 21 whom we could get on the witness stand to prove how they voted.

Mr. BURNETT. How many in all voted?

Mr. SULZER. There were 72 Indians in these two precincts.

Mr. BURNETT. How many votes did the contestee get?

Mr. SULZER. He got 28 votes.

Mr. LONDON. Out of the 72?

Mr. SULZER. No; out of the 100.

Mr. DILLON. Will the gentleman yield?

Mr. SULZER. I yield to the gentleman from South Dakota.

Mr. DILLON. I understand the gentleman to say that there were 21 of these Indian voters who went on the witness stand.

Mr. SULZER. Yes; they either went on the witness stand and swore that they voted for Wickersham, or they swore that John Taushwak, or somebody whom the record thoroughly identifies as voting for Wickersham, voted for them, so that the record conclusively proves that 21 of these Indians voted for contestant.

Mr. DILLON. Assuming that that is true, and that those 21 votes should be taken away from the Wickersham total, Mr. Wickersham would still be ahead 23 votes, would he not, according to the findings of this committee?

Mr. SULZER. Oh, yes; he would, but I do not agree with the findings of the committee in other respects, and I am going to discuss that phase of it.

Mr. DILLON. Therefore that in itself would be immaterial, because it would not change the result.

Mr. SULZER. It would if the findings of the committee are not upheld in other respects.

Mr. DILLON. Does the gentleman maintain that all the votes in these precincts where the Indians voted ought to be thrown out and not counted at all?

Mr. SULZER. I do.

Mr. DILLON. The gentleman does not think it is the duty of this committee to separate the good votes from the bad votes?

Mr. SULZER. I do not think so, for the simple reason that the record shows that the whole election was fraudulent, and the election judges knew it was fraudulent, and they winked at the fraud. It certainly would not be any injury to those who voted for me to throw out the entire vote of those precincts. No one who cast a vote there for me would have any objection to the committee rejecting the entire vote of those precincts, because I received so few votes that it would not affect my result at all.

Now, let us see what happened in another precinct, the precinct of Craig. The record shows conclusively that the followers of the contestant voted these helpless Indians fraudulently at these two precincts of Afognak and Seldovia, and it shows very much the same in regard to the Unalakleet precinct. On the other hand, at the precinct of Craig, in southeastern Alaska, a thousand miles from these other precincts, where the conditions are entirely different, where the Bureau of Education of the United States Government has been laboring for years to elevate and educate those natives, where the various church organizations of the country have been operating for years in an endeavor to elevate these people, where the conditions are as different from the conditions at Seldovia and Afognak as the poles are wide apart, at that place there were 30 intelligent men and women who had severed all tribal relationships years before, who had been living the same as all the rest of us, who had been recognized by the United States Government as citizens, in that they had been made masters of documented vessels and were owners of documented vessels of the United States, who had been in the Army and Navy of the United States and had served their country, who had been educated in various large institutions of the United States—there, in that precinct, the followers of the contestant in this case prevented those 30 people from voting, prevented them absolutely and forcibly, against all law, drove them away from the polls, and prevented them from voting because they were going to vote for me, and the followers of the contestant knew it.

Mr. BURNETT. Does the record show that?

Mr. SULZER. The record shows it very clearly. I will read from the testimony of Mr. C. E. Hibbs, found on page 334 of the record:

Q. Have they severed tribal relations?—A. Yes; they have. Since I have been in the village of Klawock there has been no semblance of any tribal relationship in a village of 300.

Klawock is about 10 miles from Craig, and they travel by boat altogether.

Q. Are they living a civilized life, same as white people?—A. They are.

Q. Were those people here at last election, November 7, 1916?—A. We all came up on the same boat.

Q. Did they vote at that election here at Craig?—A. They did not.

Q. Why didn't they vote?—A. They were told by the judge that they would not be allowed to vote.

Q. Did they offer themselves to vote?—A. Not all of them. There were three or four that went into the polls to vote, and they were told that they could not vote, so the others did not go in.

Q. What reasons were they given that they could not vote?—A. Because they were Indians.

Mr. MOORES of Indiana. Will the gentleman yield for a question?

Mr. SULZER. Yes.

Mr. MOORES of Indiana. Were not two men who offered to vote at that election, who were Indians living on the reservation at Craig and who were told that they could not vote, were not their votes counted by this committee, one of them the son of an Austrian beach comber and the other a full-blooded Indian? Were not their votes counted by the committee and given to you, and was there anyone else at all who offered to vote in that precinct who was rejected?

Mr. SULZER. I know these people very well. I have known them for years, and they are very intelligent people.

Mr. MOORES of Indiana. Were not the two men, one George Demmert and the other a half-breed son of a beach comber, whose father was not an American citizen, and were not those two votes counted?

Mr. SULZER. Yes; the committee allowed 2 votes and disallowed 28.

Mr. MOORES of Indiana. Were not they the only ones who offered to vote?

Mr. SULZER. No; they were all there and would have voted.

Mr. MOORES of Indiana. Does not the record show that they were the only ones who offered to vote?

Mr. SULZER. I think not; but I am going to read the record and show all about that:

What reasons were given that they could not vote?—A. Because they were Indians.

Now, they were not Indians, because they had severed their tribal relations. There is no question about that?

Mr. MOORES of Indiana. Did they not live on the reservation?

Mr. SULZER. No; they did not. The gentleman has been misled; there are no Indian reservations in Alaska—absolutely none. They were not living on the reservation any more than I was. Practically everybody in Alaska lives on ground reserved for some purpose or other. The whole southeastern part of Alaska is a forest reservation. I am living on it and all other white people are living on it, and most of the southwestern part of Alaska is in a forest reserve. You can hardly find a spot in Alaska inhabited by anybody that is not reserved for some purpose or other. That has nothing to do with citizenship. They are not Indian reservations in the sense that Indian reservations have been created in the States.

Mr. MOORES of Indiana. I want to ask the gentleman if the order of President Wilson, April 21, 1914, does not set aside this Indian place in the village of Klawock for natives indigenous to Alaska who may there reside, and was it not specifically set aside and described by President Wilson as an Indian reservation? Was not that done under Executive order of April 21, 1914? I want also to ask the gentleman if Hydaburg is not by Executive order of President Taft, which was never rescinded, set apart for the same purpose under an order of June 19, 1912, as an Indian reservation?

Mr. SULZER. I will say to the gentleman from Indiana that strips of land have been set aside by the President of the United States for the use and benefit of the Bureau of Education of the United States Government, which is doing all it can to elevate the people, and has been doing it for years, and it has made good citizens of them. They are not Indian reservations at all. Indians are not put on these lands with the injunction that they must stay there and do as they are told or ordered to do.

They are free agents absolutely, and they are not placed upon any reservation in the sense that a soldier is placed on a military reservation or an Indian on an Indian reservation in the States, where he is not a free agent. They can go and come as they please, and they do so. They are not on any reservation whatever. The simple truth of the matter is that a certain amount of land has been set aside for the benefit and purposes of the Bureau of Education. The contestant has endeavored to confuse the committee in that respect. He has misrepresented the facts, and he knows it. As I told the gentleman and told the Members of the House before, he put this

all in in rebuttal. If I had had any opportunity in the world to introduce any evidence to the contrary, I would have disproved it absolutely.

I will read from the hearings of this election case, and what do we find? Dr. Claxton, the head of the Bureau of Education, was asked in regard to this question, and he should be a pretty good authority, an authority that the Members of this House ought to be willing to accept. What does he say? On page 62 he says this:

The natives of Hydaburg and Klawock are not living in any tribal relationship. As said before, they are free and independent individuals.

They are not wards of the Government. There is not an Indian in Alaska that is a ward of the Government or that ever has been. There never have been any Indian reservations created there. They have never been treated as wards, and the gentleman ought to know that. To read further from what Dr. Claxton says:

4. The Hydahs are, most decidedly, living a civilized life. This is demonstrated by the success of the Hydaburg colony. In 1911 the villages of Klilnquan and Howkan migrated to the site, hitherto unoccupied, selected on account of its advantages with regard to hunting and fishing, where they founded a village named Hydaburg. Under the supervision of the teacher of the United States public school a co-operative company of the natives was organized to transact the mercantile business of the settlement and to operate a sawmill, the machinery for which was sent them by the Bureau of Education at a cost of \$2,200. The Hydaburg people have turned a dense forest into a thriving town with a busy wharf, a sawmill that turns out good lumber for them at a cost of \$10 a thousand, neat, single-family homes, instead of the communal houses of their old villages, a long, boarded street, of which they are proud as the finest in Alaska, and a cooperative store, which the first year made a clear profit of 125 per cent, paying a cash dividend of 50 per cent and adding 75 per cent to the capital stock. The cooperative company was started with a capital of about \$2,000, and within four years it has distributed \$12,727.53 in dividends. The Hydaburg people have been able to keep their money in the village, which is prosperous and independent. The cooperative company has repaid to the Government \$2,200, the cost of the machinery in the sawmill, which has been covered into the United States Treasury.

The natives inhabiting the village of Klawock are also civilized and prosperous. In his report for 1916 the teacher of the United States public school, who supervises the commercial undertakings of the natives, makes the following statement regarding the cooperative store owned and operated by them:

"During the year we increased our stock of goods more than \$3,000, which almost doubled it. We have done some improving on the building and increased our fixtures. When our books were balanced in January they showed a net gain of almost 29 per cent."

5. There is at hand in this office no authoritative information regarding the origin of the Hydahs. The earliest official reference to the Hydahs that we have been able to find is the statement in the census report, 1880, that the Hydah Tribe existed in Alaska in 1839, when the Hudson Bay Co. leased what is now southeastern Alaska from Russia.

Cordially, yours,

P. P. CLAXTON, Commissioner.

Mr. RANDALL. Those are the Indians that were denied the privilege of voting?

Mr. SULZER. Yes. Let me continue the testimony of Mr. Hibbs, who is the Government school-teacher at this point, and who is thoroughly familiar with all of the facts in this case, and who knows these people.

Q. What reasons were given that they could not vote?—A. Because they were Indians.

Q. Do you know whether they ever voted before?—A. I think all of them have. Two years ago practically all those who were able to read and write in the village came up with me and voted.

Q. What kind of business are these people engaged in?—A. Do you want me to give the business of each one individually or generally?

Q. Where you can, you can group the business.—A. C. W. Demmert is a former merchant, at present in the fishing industry, having bought the buildings and old cannery equipment at Kulm Islands. Emma (his wife), Spencer Williams, Jack Perotovich, James Perotovich, William Jones, John Darrow, George Roberts, George Fields, Peter Wilson, Roy Williams, Richard Dullands, Sam Gunyah, Arthur James, William Gunyah, Albert Thomas, James Rowen, Peter Scott, Jimmy Jackson, Donald Kathleen are all fishermen. George Demmert is clerk and manager of the Klawock Commercial Co. R. J. Perotovich, proprietor of general store and moving-picture establishment. J. S. Johnson, boat builder. Henry Roberts, gas-boat engineer. J. K. Williams, carpenter. John Skan, seine maker. Andrew Thomas, boat builder and a minister. Maxfield Daklin, proprietor of a pool hall. P. Lee Anneskit, gas-boat engineer. Fred Williams has just received an honorable discharge from the United States Navy and at present is fishing.

Those are the kind of people that the contestant conspires to deprive of their citizenship and to prevent fraudulently from casting their votes. Those names sound very different from the names in those other precincts, and their occupations are very different. I know them all. I have known them for years, because I spent 16 years in the precinct of Sulzer. I have been United States commissioner for many years at that precinct. I have become intimately acquainted with these people. I have been deputy collector of customs at the town of Sulzer, the precinct of Sulzer, and I know that most of these people enumerated there are recognized as citizens of the United States, because I have myself signed the documents of their vessels, stating on their face that so and so, "a citizen of the United States," is "the owner and master of this vessel." There is no question about that, absolutely none, and the contestant could not introduce any evidence to refute it. He could not introduce

a single bit of evidence to prove that any of these people were not citizens, and when they are citizens of the United States they are not Indians. They cease to be Indians in a legal sense; from a legal point of view they are not Indians, they are Americans, they are citizens, recognized as citizens by the United States, and they were fraudulently prevented from exercising their franchises.

Now, that is the sort of work that has been going on up in Alaska. The committee have been solicitous about disfranchising the voter, and no one is more solicitous about disfranchising a voter than I am, and I certainly do not want to see any voter disfranchised. That is the last thing in the world I want to do; but, my friends, we have got to have decent elections, we have got to have a clean ballot, we have got to maintain the secrecy of the ballot, and we have got to be fair in our elections. It is very much more important that an intelligent majority be considered, that the interests of six thousand five hundred and odd legal voters who voted for me should have some consideration rather than a few illegal voters should be given the great consideration of having their votes counted when they were absolutely disregarding the law in every respect. Let me read a little further from Mr. Hibbs's testimony:

Q. If you know, state how they intended to vote on the Delegate question.—A. Not all of them have discussed or talked to me, but all who have were favorable to Mr. Sulzer.

Q. Can you take this list and say how many, without naming them, would vote for Mr. Sulzer?—A. I am positive that more than 20 would have voted for Mr. Sulzer.

On page 328 the witness is being cross-examined by the contestant when he gave this testimony. The contestant was there and attended this hearing and cross-examined this witness and is cross-examining him now. This is found on page 328 of the record:

Q. You mention that six or eight of these named by you are half-breeds. Do you know whether their fathers were citizens or not?—A. Personally I know that one of them was. The father of C. W. Demmert, who offered to vote, was a veteran of the Civil War. He just died in the State of Washington in a veteran's home, and the papers were sent up and are now in an attorney's hands giving his property and the pension due to C. W. Demmert.

Now, gentlemen of this House, here is a picture of Charles W. Demmert and his family. Here is a man whose father was a veteran of the Civil War. Here is a man whom the contestant's henchman fraudulently prevented from voting and said he was not a citizen of the United States and drove him out of the polling place, when they did everything in their power to have scores upon scores of absolutely helpless Indians vote in the Afognak and Seldovia precincts because they knew they could vote them for contestant. Now, why should C. W. Demmert be prevented from voting? Why is it fair to count all of these Indian votes in one precinct and reject the vote of this citizen of the United States in another precinct?

Mr. MOORES of Indiana. Did not the committee count that vote; does not the testimony show that Mr. Demmert's vote and the other Indian were counted?

Mr. SULZER. No; it does not. It shows the vote of George Demmert, who is an entirely different person, was allowed and counted by the committee, but it does not show a thing about C. W. Demmert, who is a different man altogether. That is the trouble with this whole case. The gentlemen of the committee, or some of them, have become confused and have gotten the facts and the evidence of the case mixed, and they do not understand the principal points involved. It is not surprising that it should be confusing. It is not surprising that the number of cases and conditions I have mentioned are rather complicated and confusing, and it is necessary to go to the bottom of these things. Here are several other pictures. Here are two pictures of the organizations of these people, one a ladies' organization and the other a men's organization. This shows the kind and type of those people. You can study those pictures and see that those are intelligent men and women. Now, if you do not draw some distinction between those people, if you do not say that the man or the woman in Alaska who has received the benefit of the Bureau of Education's work, of the various beneficent and benevolent organizations that have been working to uplift them for many years, is not in a different class from those other helpless and illiterate people out in this far remote country, why what is all the work of the Bureau of Education going to amount to? What encouragement is there for these people to develop and progress and to become citizens of the United States if you say indiscriminately, "You are all upon the same basis; you can all vote."

Here were the most helpless people in the world, who could not vote intelligently at all, who knew nothing about what they were doing, and they were permitted to vote, and did vote, and their votes were counted for the contestant. Here are some

eminently civilized people, in every respect qualified citizens, people who are developed in every sense of the word, people who know what they are doing, who can cast an intelligent ballot, who can go in the booths themselves and know their own minds, who are interested in the country, who have large investments there, yet they were fraudulently prevented from voting at all. Why? Simply because they were going to vote for me.

Let me read a little more:

Q. Who challenged Demmert's vote on November 7 last?—A. Mr. Hal Gould, I think, was the one that told him that he could not vote. Mr. Fred Butler and J. P. Smith were the ones who did the arguing.

Now, Mr. Fred Butler and Mr. J. P. Smith are known intimately and well to me. I have known them for years and they are absolutely political opponents of mine. They were the friends and party workers of the contestant, and they conspired—and I say the word advisedly—they conspired to bulldoze and browbeat that election board and those people who came from Klawock to vote and who had voted in previous elections, and they drove them out of the polls because they were going to vote for me. And the record shows conclusively that they would have voted for me.

I say, Is that right? Is it fair? Is it fair that I should be deprived of these 30 votes in the precinct of Craig when the contestant can not produce a single bit of evidence to prove they were not legal voters in every sense of the word or were not citizens of the United States, and then have the votes of these other people counted in the other precincts, where they were absolutely fraudulent? I do not think the House, if it wants to be fair, will say it is a fair proposition.

Mr. Hibbs, on page 329, is asked this question. He is the teacher of the Government school at that place, which is operated by the Bureau of Education, and Mr. Hibbs knows each one of these people intimately and well. He is working as hard and as assiduously as he can to help to benefit them and has been doing it for years. He is a splendid gentleman in all respects, notwithstanding he has been denounced by the contestant. He is asked by the contestant:

Q. Do you know of any of the witnesses named by you who would have voted for me?—A. I do not.

Now, the testimony of Mrs. C. E. Hibbs; the Rev. E. E. Brouley, who was the minister of the Presbyterian Church at Klawock; the testimony of C. D. Calhoun, who was the United States marshal at that point; the testimony of R. J. Peratovich; the testimony of George Demmert, is all set forth very fully in the record, and it all corroborates and proves everything that I have said. And there is no evidence of any kind given to refute it. I have not the time to read all of that. But I think I have read sufficient to prove just what happened in that particular precinct.

Now, the contestant has made a great point that all the election officials were in my control. Here is a little evidence, and the record is full of evidence all the way through, that that is not the case, and in regard to the statement made a little while ago to the gentleman from Indiana [Mr. Moores] I will read a few lines from the testimony of C. D. Calhoun, on page 337:

Q. Is Charles Fox, commissioner of this precinct, also a Democrat?—A. He is; but had absolutely nothing to do with the election.

Q. Well, but what I want to know is, if the matter of the appointment of the election officers in Craig at that election was not under the control of the Democrats?—A. It was not.

Q. And that commissioner supported Mr. Sulzer, did he not?—A. He did not, if I have been rightly informed.

Q. I would like to ask, Mr. Calhoun, if Judge Stackpole was not a Republican, and that he appointed this election board without the influence of Judge Jennings?—A. There was no influence brought to bear to my knowledge, and Judge Stackpole is a Republican.

Now, the contestant has made a number of statements in the record which are not correct. Not all the commissioners in Alaska appoint election judges. In fact, the great majority of them have nothing whatever to do with elections. The election judges in precincts outside of incorporated towns and municipalities can only be appointed by the commissioners who are recorders, and there are not a great number who are recorders. Now, Mr. Fox, who was the commissioner at Craig, was a Democrat. He was not a recorder, and he had absolutely nothing to do with appointing the officials there; had absolutely nothing to do with the election. The judges of election at Craig were appointed by the United States commissioner at Ketchikan.

Mr. MANN. Will the gentleman yield?

Mr. SULZER. I will yield to the gentleman.

Mr. MANN. Who generally appoints the election officials in Alaska?

Mr. SULZER. The election officials in the incorporated towns and municipalities are appointed by the city councils. The election officials outside of incorporated towns and municipalities

palities are appointed by the United States commissioners who are recorders of that particular district.

Mr. MANN. And who appoints the United States commissioners?

Mr. SULZER. The United States commissioners are appointed by the judges of the district courts.

Mr. MANN. And who are those judges appointed by?

Mr. SULZER. Well, the judges at this particular time are all appointed by President Wilson.

Mr. MANN. It could not very well be charged that there was a Republican conspiracy on the part of election officials, as the gentleman seems to intimate, when it takes the President and the judges and the commissioners into the conspiracy.

Mr. SULZER. I would not think for a moment of making any such charge. In fact, the record shows conclusively that the contestant was not running in Alaska as a Republican.

Mr. MANN. I do not see what that has to do with it. The intimation that the gentleman is making, as I gathered it—and I listened to the gentleman carefully—was that the election officials were conspiring to deprive the gentleman of votes. Certainly it was not a Republican conspiracy, although the gentleman just said with great emphasis that some election official or somebody connected with it was a Republican, charging fraud at that place.

Mr. SULZER. Oh, no. I did not have any purpose of making any such intimation.

Mr. MANN. That was the intimation, as I gathered it.

Mr. SULZER. I certainly did not intend to convey any such intimation. I intended to convey this impression, that the contention of the contestant that all the election machinery and the officials in the Territory of Alaska were in my control was not the truth.

Mr. MANN. I do not have any idea that the gentleman had full control over the President or anybody of that sort, or that anybody else has control over all this machinery; but the gentleman was a Democratic candidate?

Mr. SULZER. Yes, sir.

Mr. MANN. He certainly ought to give proof, instead of making mere charges, that election officials appointed by Democrats, whatever their politics may have been, were in a conspiracy to prevent a Democrat from receiving votes.

Mr. HAMLIN. Mr. Speaker, if I understood the gentleman from Alaska aright in regard to the conspiracy, he charged that certain partisans of the contestant at Craig had entered into a conspiracy to prevent these people who came up on the boat from voting. That is the conspiracy he referred to and spoke about.

Mr. MANN. He charged that certain men were not permitted to vote, and the only ones who could keep them from voting were election officers.

Mr. HAMLIN. And he said he charged conspiracy against a man named—

Mr. SULZER. Butler and Smith.

Mr. HAMLIN. Yes; that Butler and Smith had conspired to influence and bulldoze the officers there so as to prevent these people from voting. That was the statement he made, as I understood him.

Mr. SULZER. That was the statement I made, or the statement I intended to make.

Mr. MANN. This will be a very interesting statement to our southern friends.

Mr. MOORES of Indiana. Mr. Speaker, will the gentleman yield?

Mr. SULZER. Yes; I yield for a question.

Mr. MOORES of Indiana. You said that outside of the incorporated cities and towns the election officers were all appointed by the United States commissioners, who are in turn appointed by the Federal judges. How many incorporated cities and towns have you in Alaska—as many as six?

Mr. SULZER. Oh, yes; a great many more.

Mr. MOORES of Indiana. There are really five?

Mr. SULZER. Five?

Mr. MOORES of Indiana. Yes.

Mr. SULZER. Oh, no; there are dozens.

Mr. MOORES of Indiana. Is there any voting place over which there is any dispute in this election case in an incorporated city or town?

Mr. SULZER. Yes; I think so.

Mr. MOORES of Indiana. What voting place?

Mr. SULZER. I think that Fairbanks is an incorporated town.

Mr. MOORES of Indiana. There is no dispute in the Fairbanks vote at all.

Mr. SULZER. I think the gentleman is mistaken about that. I do not know about Gibbon being an incorporated town, but I am under the impression that it is.

Mr. MOORES of Indiana. There is no contest over the Fairbanks vote.

Mr. SULZER. I think there is. I think I will be able to show that later, if the gentleman will permit.

Mr. MOORES of Indiana. There is nothing in the record about it.

Mr. SULZER. I think the town of Gibbon is incorporated, but I would not be sure about that.

However, that is not the matter at issue. I am simply saying that the great majority of votes cast were in the incorporated towns and municipalities, and there the officials were elected by the common councils.

Now, I would like to read a few lines from the testimony of the Rev. David Waggoner, which is found on page 226 of the record; and the Members of the House should remember that this testimony was taken in rebuttal. Manifestly it was to rebut something that I had put in the record, and the testimony is about the Sulzer precinct. I put in absolutely nothing in the record about the Sulzer precinct, and I took no testimony about it, so that this should not be considered at all. The committee should not consider any votes that were cast at Sulzer, because there is nothing in the record as evidence in chief that there were any illegal votes cast there, and the committee should not consider this evidence that was put in in rebuttal, because I had no opportunity to put in any evidence to refute it.

Now, on page 226 it is shown that the contestant subpoenaed these witnesses: Charles W. Hawksworth, David Waggoner, Mabel Le Roy, Esther Gibbon, and J. W. Bell, before H. R. Le Fevre, a notary public, at his office in the Seward Building, in the town of Juneau, Alaska. He subpoenaed those five witnesses, and only interrogated one, David Waggoner; and I think that any Member who will read the record will see that Mr. Waggoner's testimony is so disappointing to the contestant that he did not think it was advisable for him to place any other witnesses on the stand. On page 228 Mr. Waggoner makes this statement:

The men are the residents of Hydaburg, because they have definitely severed their relations with the old customs of the Hydats at the old villages. That was the reason for the founding of the Hydaburg village.

Now, that is the truth. The very fact that these people are living at Hydaburg is proof conclusive that they are not living in tribal relationships, because that was one of the objects of founding this village. That was one of the rules that they had to agree to among themselves before they went there, that they had severed all tribal relationships and that they had adopted the habits of civilized life, and that village was founded years ago. There is not a word of claim that these people were not citizens. Now, this testimony continues:

Q. Is it not a fact, Mr. Waggoner, that the inhabitants at Hydaburg and Klawock are intelligent fishermen and mechanics?—A. Yes, sir.

Q. And carry on their vocation in the same manner that white men do under similar circumstances?—A. Yes, sir.

Q. Is it not a fact that some of these men are highly skilled mechanics?—A. Yes, sir.

Q. On gas boats as well as otherwise?—A. Yes; and some are boat builders.

Q. Carpenters?—A. Yes.

Q. Machinists?—A. Yes; some to a degree—the result of their training.

Q. They received their training that you mention in the Indian schools?—A. Yes.

Mr. FIELDS. Will the gentleman yield?

Mr. SULZER. Yes.

Mr. FIELDS. In view of the lateness of the hour, I desire to inquire of the gentleman if it would be agreeable to him to conclude his remarks to-morrow morning and let the House adjourn now?

Mr. SULZER. That would be satisfactory to me, if I may have the time then.

Mr. FIELDS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FIELDS. If the House should adjourn now, would the gentleman from Alaska be entitled to the floor when the matter is taken up again?

The SPEAKER. Yes.

Mr. WALSH. Will the gentleman yield?

Mr. SULZER. I yield to the gentleman from Massachusetts.

Mr. WALSH. How much longer does the gentleman anticipate he will need in order to conclude his remarks?

Mr. SULZER. I am about to conclude as far as this Indian question is concerned, but I should like very much to debate the Australian ballot law and the soldiers' voting.

Mr. WALSH. How long does the gentleman think it will take?

Mr. SULZER. I have not any idea. It is impossible to say. It depends on how many questions are asked me and what different lines of argument develop, and how far away I am drawn from the argument I have in mind.

Mr. WALSH. Could not the gentleman conclude his remarks this evening in the course of 30 or 40 minutes?

Mr. SULZER. I could not be certain about that.

Mr. GARNER. The gentleman must realize that we have got to get through with this business some time.

Mr. WILSON of Louisiana. Mr. Speaker, if the House should adjourn now, it is understood that Mr. SULZER can conclude his statement in the morning?

The SPEAKER. Yes.

Mr. WILSON of Louisiana. That would be the order of business, then, would it not?

The SPEAKER. Yes.

Mr. CANNON. When will we have to come back to vote?

Mr. WALSH. Will the gentleman yield for a parliamentary inquiry?

Mr. SULZER. I yield to the gentleman.

Mr. WALSH. Will the Chair state how much time the gentleman will be entitled to occupy to-morrow?

The SPEAKER. It happens that the Speaker was not in the chair when the time of the gentleman was extended. If it turns out that it was extended indefinitely, and I am informed that it was, then the gentleman will be entitled to all the time he wants.

Mr. WILSON of Louisiana. I asked unanimous consent that the gentleman from Alaska be permitted to continue until he concluded his statement, and that consent was given.

The SPEAKER. Then, after the small business on the Speaker's table is disposed of to-morrow the gentleman will be entitled to the floor until he gets through.

Mr. GARNER. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARNER. If the House concludes to remain in session until the gentleman from Alaska concludes his remarks, then he will not have unlimited time to-morrow?

The SPEAKER. Of course not.

Mr. GARNER. But if he did start in to-morrow after the business on the Speaker's table was disposed of, he might hold the floor until 6 o'clock to-morrow evening.

The SPEAKER. That is absolutely true, and he might hold it the next day also.

Mr. GARNER. I think this thing ought to come to a conclusion.

Mr. CROSSER. And the gentleman from Alaska ought to have an opportunity to make his statement, too.

The SPEAKER. The question of the right of a Member to his seat is the very highest privilege known to the House.

Mr. SULZER. I will say to the gentleman from Texas that it will all depend as to the interest displayed by the Members of the House as to how much time I will take. If the Members of the House do not show much interest and do not want to get at the merits of the case, I am willing to conclude at a much earlier time.

Mr. GARNER. May I ask the gentleman a question?

Mr. SULZER. Certainly.

Mr. GARNER. Can the gentleman assure the House that he can get through in an hour and a half longer?

Mr. SULZER. It is impossible to say, because I do not know what the membership of the House is going to do when I resume. It will all depend on the membership of the House.

Mr. CANNON. The Committee on Rules could report a rule as a matter of privilege that to-morrow at 6 o'clock the House will take a vote.

Mr. GARNER. I was trying to get at the matter so that we could arrive at a conclusion in this case to-morrow.

Mr. MOORE of Pennsylvania. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MOORE of Pennsylvania. I would like to know whether the war contract bill has the right of way immediately after this contested-election case?

The SPEAKER. The Chair understands that the Committee on Rules has a rule making that bill in order.

Mr. MOORE of Pennsylvania. Will the gentleman from Alaska yield?

Mr. SULZER. Yes.

Mr. MOORE of Pennsylvania. A number of gentlemen are interested in the bill which is to follow—the war contract bill—and the question is whether they shall remain here to-morrow afternoon. If the war contract bill followed the contested-election case they may not be required to remain. I am endeavoring to ascertain how much longer the gentleman will retain the floor so that they may make some estimate as to whether they will have to stay here over to-morrow.

Mr. SULZER. I will say to the gentleman from Pennsylvania that I appreciate thoroughly the courtesy extended me by the House and I have no disposition whatever to delay or

take up the time. My sole object is to take a sufficient amount of time to explain this case to the membership of the House as they may wish to have it explained. I do not think it is going to take much longer, but I can not tell just how long or how many questions will develop. I have no disposition to delay any matter, and I am willing to make any arrangement which will expedite the business of the House.

Mr. MOORE of Pennsylvania. I have no desire to curtail the gentleman's statement. I think he is entitled to make a full and free statement of his position; but the Speaker having stated that the war contract bill under the rule would have the right of way following the contested-election case, it is a fair assumption that the river and harbor bill will not be taken up to-morrow.

Mr. MANN. Let me say that I understand there are three or four other speeches in this contested-election case.

Mr. MOORE of Pennsylvania. Then it is a fair assumption that the river and harbor bill will not be taken up to-morrow.

Mr. WILSON of Louisiana. Mr. Speaker, I suggest that the gentleman from Alaska have time to conclude his statement. I do not think it is possible to conclude to-night, and, with the understanding that the gentleman is to resume to-morrow, I move that the House adjourn.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. If the gentleman from Louisiana will withhold his motion—

Mr. WILSON of Louisiana. I withhold it.

Mr. MANN. The gentleman from Alaska having been given the right to conclude his remarks, and having taken the floor for an hour's time under the rules of the House, can he now yield the floor to the gentleman from Louisiana to make a motion to adjourn, that gentleman not being able to make the motion unless the gentleman from Alaska yields the floor?

The SPEAKER. The gentleman from Alaska yields the floor by compulsion.

Mr. MANN. He is only speaking by grace of the House to an unlimited extent. Has not the House the right to assume when the request is made that the gentleman must occupy the floor until he concludes his remarks and not be able to yield to some other Member to move to adjourn or to ask unanimous consent, or perhaps for the consideration of a bill? Is it not his duty under the unanimous-consent agreement given him to conclude his remarks but not yield the floor?

The SPEAKER. The Chair does not think so.

Mr. MANN. I am perfectly willing that the gentleman from Alaska should have more time.

ADJOURNMENT.

The SPEAKER. The gentleman from Louisiana moves that the House adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 43 minutes p. m.) the House adjourned until to-morrow, Saturday, January 4, 1919, at 12 o'clock noon.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 12862) granting a pension to Nancy Robinson, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MOORE of Pennsylvania: A bill (H. R. 13608) providing for the honorable discharge of officers or soldiers of the United States in certain cases; to the Committee on Military Affairs.

By Mr. GOULD: A bill (H. R. 13609) authorizing the Secretary of War to donate to the village of Port Byron, N. Y., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 13610) authorizing the Secretary of War to donate to the village of Sodus, N. Y., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 13611) authorizing the Secretary of War to donate to the city of Geneva, N. Y., two German cannons or fieldpieces; to the Committee on Military Affairs.

By Mr. ESCH: A bill (H. R. 13612) authorizing the Secretary of War to donate to the city of Sparta, Wis., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. GOULD: A bill (H. R. 13613) authorizing the Secretary of War to donate to the town of Aurora, N. Y., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 13614) authorizing the Secretary of War to donate to the town of Newark, N. Y., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. ESCH: A bill (H. R. 13615) authorizing the Secretary of War to donate to the city of Tomah, Wis., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 13616) authorizing the Secretary of War to donate to the city of Black River Falls, Wis., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 13617) authorizing the Secretary of War to donate to the city of Mauston, Wis., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 13618) authorizing the Secretary of War to donate to the city of Neillsville, Wis., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 13619) authorizing the Secretary of War to donate to the city of Viroqua, Wis., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 13620) authorizing the Secretary of War to donate to the city of Reedsburg, Wis., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 13621) authorizing the Secretary of War to donate to the city of Baraboo, Wis., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 13622) authorizing the Secretary of War to donate to the city of Elroy, Wis., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 13623) authorizing the Secretary of War to donate to the city of La Crosse, Wis., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. ROBBINS: A bill (H. R. 13624) to provide for the erection of a public building at Jeannette, Pa.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13625) to provide for the erection of a public building at New Kensington, Pa.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13626) to provide for the erection of a public building at Latrobe, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. SCULLY: A bill (H. R. 13627) granting a gratuity to members of the United States Navy; to the Committee on Naval Affairs.

Also, a bill (H. R. 13628) granting a gratuity to members of the United States Army; to the Committee on Military Affairs.

By Mr. SUMNERS: A bill (H. R. 13629) to provide for the appointment of an additional district judge in and for the northern judicial district of the State of Texas; to the Committee on the Judiciary.

By Mr. HAYES: A bill (H. R. 13630) for the relief of the estate of Christian Hoffman; to the Committee on the Public Lands.

By Mr. Gould: A resolution (H. Res. 490) as to creation of Committee on Aeronautics; to the Committee on Rules.

By Mr. JOHNSON of Kentucky (by request): A resolution (H. Res. 491) authorizing the Clerk of the House to pay to Mary C. Carpenter, mother of John M. Carpenter, late an employee of the House of Representatives, six months' salary; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 13631) granting a pension to Daisy Manore; to the Committee on Invalid Pensions.

By Mr. ANTHONY: A bill (H. R. 13632) granting an increase of pension to Emelia Branner; to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 13633) granting an increase of pension to William O. Fraser; to the Committee on Invalid Pensions.

By Mr. FOSTER: A bill (H. R. 13634) granting a pension to Frank E. Crum; to the Committee on Pensions.

Also, a bill (H. R. 13635) granting an increase of pension to Jacob M. Conner; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 13636) for the relief of Kentuck Corbett; to the Committee on Claims.

By Mr. HADLEY: A bill (H. R. 13637) granting a pension to Caroline Deibert; to the Committee on Invalid Pensions.

By Mr. RANDALL: A bill (H. R. 13638) granting an increase of pension to Matthew M. Eshelman; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 13639) granting a pension to Anna E. Cooke; to the Committee on Invalid Pensions.

By Mr. CHARLES B. SMITH: A bill (H. R. 13640) granting a pension to George C. Foote; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13641) granting a pension to Stephen Harder; to the Committee on Pensions.

By Mr. THOMAS F. SMITH: A bill (H. R. 13642) to authorize the President of the United States to restore Milo O. Frank and William H. Fort first lieutenants in the National Army; to the Committee on Military Affairs.

By Mr. WALTON: A bill (H. R. 13643) granting an increase of pension to Daniel C. Bruce; to the Committee on Pensions.

By Mr. WELTY: A bill (H. R. 13644) granting an increase of pension to Jane Shumaker; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CARY: Petition of members of Local Board No. 1, of Milwaukee, asking recognition of services rendered by local board members in the execution of selective-service law; to the Committee on Military Affairs.

Also, petition of J. J. Blumenfeld, president Espenheim Dry Goods Co., Milwaukee, Wis., protesting against luxury tax bill; to the Committee on Ways and Means.

Also, resolutions by Iron Molders' Local Union, No. 125, indorsing Senate bill 4637 and House bill 12352; to the Committee on Interstate and Foreign Commerce.

By Mr. CURRY of California: Resolutions of board of supervisors of San Joaquin County, Cal., in favor of Senate bill 4637, providing for retirement of classified civil-service employees; to the Committee on Interstate and Foreign Commerce.

By Mr. DALE of New York: Petition of International Molders' Union of North America, requesting the favoring of the original McKellar-Kenting retirement bill (S. 4637 and H. R. 12352) and opposing the Pomerene amendment; to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Petition of pupils of public schools of Porto Rico petitioning the President and Congress to honor the island of Porto Rico by bestowing its name upon one of the battleships of the Nation; to the Committee on Naval Affairs.

Also, petition of people of Porto Rico, praying the Congress of the United States for aid for the victims of the earthquakes; to the Committee on Insular Affairs.

By Mr. GALLIVAN: Petition of Leon F. Moss, relating to the matter of Government owned, controlled, and maintained paved highways; to the Committee on Roads.

By Mr. KAHN: Petition of electrical class, Polytechnic High School, San Francisco, Cal., asking that provision be made for amateur radio operators in legislation affecting radiotelegraph stations; to the Committee on Education.

Also, resolutions of the Rotary Club of San Francisco, calling for the deportation of persons found guilty of utterances and treasonable acts against the United States during the war; to the Committee on Military Affairs.

By Mr. KETTNER: Petition of George C. Cousin, S. H. Burton, and Charles W. Howard, of local board for division No. 2, Riverside, for recognition of services to all members of several district and local boards created under selective-service law; to the Committee on Military Affairs.

Also, resolutions of the City Teachers' Club of San Bernardino, Cal., indorsing the movement for November 11 being made a day of thanksgiving, and a suitable monument being erected at Chateau-Thierry, France; to the Committee on the Library.

By Mr. KINKAID: Petition of citizens of the city of North Platte, Nebr., requesting that the school of chiropractic be placed on an equal footing with medical schools; to the Committee on Military Affairs.

Also, petition of citizens of the city of Broken Bow, Nebr., requesting that the school of chiropractic be placed on an equal footing with medical schools; to the Committee on Military Affairs.

By Mr. RAKER: Petition of school children of Porto Rico, asking that the name of the nation be bestowed on one of the battleships of the United States; to the Committee on Naval Affairs.

By Mr. VARE: Petition of furriers of the city of Philadelphia, protesting against the retention of the excise tax on furs in the proposed revenue bill; to the Committee on Ways and Means.

Also, resolutions of the fur industry of the United States, relative to revenue derived from taxation of furs; to the Committee on Ways and Means.